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## "The Most Proper and Convenient Place": The Debate Over North Carolina's Seat of Government, 1676-1791

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"THE MOST PROPER AND CONVENIENT PLACE"  
THE DEBATE OVER NORTH CAROLINA'S SEAT OF GOVERNMENT, 1676-1791

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A Thesis

Presented to  
The Faculty of the Department of History  
The College of William and Mary in Virginia

In Partial Fulfillment  
Of the Requirements for the Degree of  
Master of Arts

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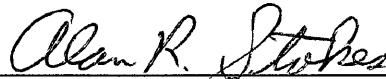
by  
Alan R. Stokes

1990

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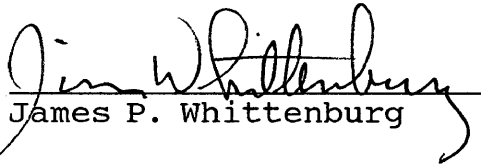
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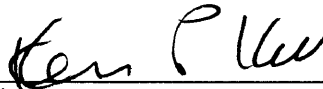
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James P. Whittenburg



James Axtell



Kevin P. Kelly

To Nancy, in gratitude  
for her support and encouragement

## TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS.....	v
LIST OF MAPS.....	iv
ABSTRACT.....	vii
CHAPTER I. "SOME FITTING PLACE": THE SEARCH FOR A CAPITAL, 1676 - 1730.....	2
CHAPTER II. "A GREAT INCONVENIENCE AND CHARGE": THE SEAT OF GOVERNMENT DURING THE EARLY ROYAL PERIOD, 1729 - 1754.....	20
CHAPTER III. THE CURSE OF "PESTIFEROUS ANIMALCULAE": THE SEAT OF GOVERNMENT DURING DOBBS'S ADMINISTRATION, 1754 - 1764.....	42
CHAPTER IV. RESOLUTION AND REVOLUTION: THE SEAT OF GOVERNMENT, 1764 - 1787.....	76
CHAPTER V. "UNTIL A LATER DAY": POSTPONEMENT AND SETTLEMENT OF THE CAPITAL DISPUTE, 1788 - 1791.....	114
APPENDIX: ABOUT THE MAPS.....	139
BIBLIOGRAPHY.....	140

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# LIST OF MAPS

Map	Page
1. North Carolina in 1746.....	3
2. Rivers of North Carolina with Various Towns Mentioned in the Text.....	79
3. Senate Vote of 6 May 1779.....	92
4. House of Commons Vote of 29 October 1779.....	94
5. House of Commons Vote of 8 May 1782.....	100
6. House of Commons Vote of 10 May 1783.....	101
7. House of Commons Vote of 16 December 1785.....	106
8. Convention Vote of 1 August 1788.....	116
9. Convention Vote of 1 August 1788, Showing the Majority Vote of Each County.....	117
10. Convention Protest of 4 August 1788.....	122
11. House of Commons Vote of 20 November 1788.....	124
12. House of Commons Vote of 13 November 1789.....	125
13. House of Commons Vote of 1 December 1789.....	126
14. House of Commons Vote of 25 November 1790.....	128
15. Senate Vote of 25 November 1790.....	130

## ABSTRACT

The purpose of this study is to examine the long debate over North Carolina's capital site, the motives and considerations applied in the debate, and the significance of the debate in the context of North Carolina's larger political situation.

State government records, newspapers, private correspondence, and secondary historical sources are used to examine the nature of the debate. The capital debate in North Carolina began in 1676 with the first attempts to establish a seat of government in the northern part of the province of Carolina. The debate did not finally end until 1791, when officials selected a site, later named Raleigh, as the new seat of government.

The issues of convenience, healthy situation, and economic advantage influenced this debate. Concerns for a healthy, convenient capital site became less pronounced after the American Revolution while economic motivation developed to a greater degree during that time.

Sectionalism proved to be a constant factor in the debate from 1730 through the capital's final settlement in 1791. The changing pattern of sectionalism in the capital debate illustrated both the diminishing importance of convenience and the growing significance of economic issues. The maturing of North Carolina's trade system enabled new, conflicting sectional alliances to develop and fight bitterly over the choice of the capital site. Officials often used the capital debate as a tool to maneuver other more significant sectional issues.



"THE MOST PROPER AND CONVENIENT PLACE"

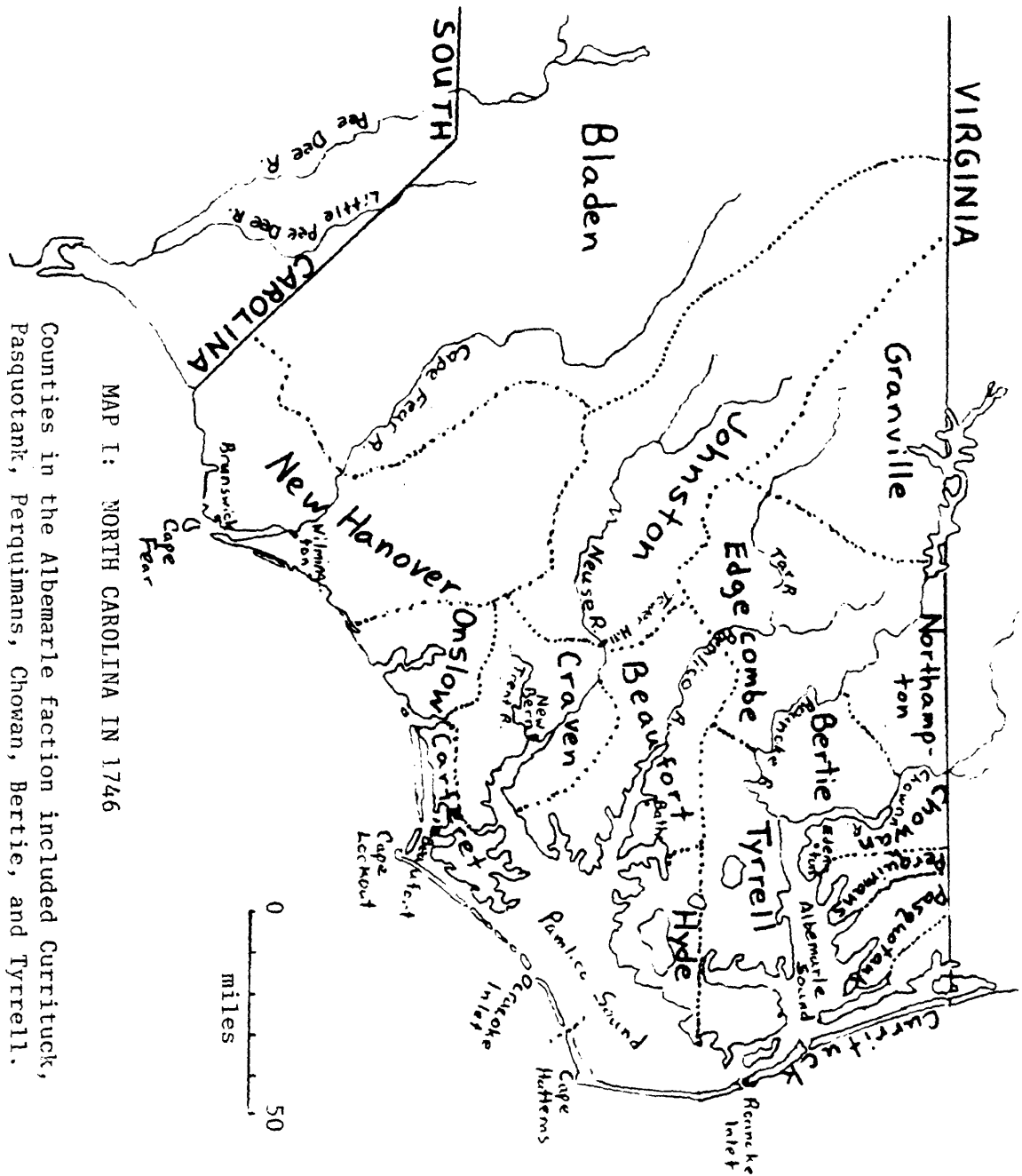
THE DEBATE OVER NORTH CAROLINA'S SEAT OF GOVERNMENT, 1676-1791

## CHAPTER I

### "SOME FITTING PLACE" THE SEARCH FOR A CAPITAL, 1676-1730

Jonathan Urmstone was bitter and frustrated. His role as an Anglican minister in the province of North Carolina was a difficult task in 1711, made even more trying because the provincials were withholding from him useful (and valuable) books which would greatly aid his work. The Reverend Doctor Thomas Bray of England had brought the library to Bath Town, under the mistaken belief--so Urmstone contended--that the town was North Carolina's capital. In numerous letters to the Society for Propagating the Gospel, Urmstone lamented the refusal of "that famous city of Bath consisting of 9 houses or rather cottages" to release the books. Deriding the town as "a remote, obscure, dangerous place" and one that was "inconsistent with any other part of the Colony", he pronounced in 1712, "That place will never be the seat of Government."<sup>1</sup> In one sense Urmstone's prophecy came true: Bath Town was never North Carolina's official capital. Paradoxically, he was also wrong, for on several occasions the town was indeed used as the seat of government. Although the proprietors who ruled North Carolina until 1729 rejected Bath as a possible location for their capital, in less than ten years after

MAP 1



MAP 1: NORTH CAROLINA IN 1746

Countries in the Albemarle facition included Currituck, Pasquotank, Perquimans, Chowan, Bertie, and Tyrrell.

their sale of the province to the English crown, the royal government began moving back and forth between several towns, including Bath.

The period of itinerent government has been described by A. Roger Ekirch in his book, "Poor Carolina": Politics and Society in Colonial North Carolina, 1729-1776, and, to a lesser extent, by Hugh Talmage Lefler and Albert Ray Newsome in North Carolina: History of a Southern State. Ekirch, Lefler, and Newsome properly ascribed the lack of a permanent seat of government between 1736 and 1765 to a sectional dispute between northern and southern regions over travel convenience and economic advantage.<sup>2</sup> The location of the capital, however, was merely one part of the sectional controversy, which also revolved around equal assembly representation and the payment of land taxes called quitrents.

Neither Ekirch nor Lefler and Newsome analyzed the changing importance of the seat of government issue to the larger regional squabble. Perhaps more important, both works included only minimal background information on North Carolina's seat of government before 1736. Ekirch began "Poor Carolina" with the colony's change from proprietary to royal status in 1729, but he did mention the proprietary capital of Edenton. Lefler and Newsome began their history of North Carolina with the first European explorations of the region, but only noted twice that an "unofficial"

capital existed before the sectional controversy began. In the more recent Colonial North Carolina: A History, Lefler and William S. Powell make no mention of the original seat of government.<sup>3</sup>

In actuality, by 1736 North Carolina had enjoyed an official capital for at least fourteen years. The Lords Proprietors desired a seat of government for the northern part of Carolina as early as 1676, and chose Edenton in 1722. North Carolina's government took on its itinerant nature when growth of settlement south of the Albemarle region aroused discontent with the location of the original capital as well as sectional disagreement over the location of a new seat of government. The southern faction made a bold attempt to establish New Bern as the official capital in 1746, after which the capital temporarily lost importance as a sectional issue even though the controversy between regions continued. In 1754 the royal authorities refused to recognize New Bern as the official capital, thus making North Carolina's seat of government again an unsettled matter. The capital would remain unsettled until New Bern achieved official status as the chief city in 1765. Eventually, the American Revolution would again unsettle the seat of government and launch the new state into yet another period of governmental itinerancy and political intrigue over the location of the state capital.

Permanent European settlement of North Carolina (excluding the settlement of Roanoke Island in 1587) probably began in the mid-seventeenth century. At that time, settlers began drifting down to the Albemarle Sound region from Virginia (see Map 1). In 1633 eight Lords Proprietors received a royal charter for the region called "Carolina", which lay between Florida and Virginia. Instructions to the governor and council in 1676 gave the first evidence that the Lords Proprietors desired a seat of government for the northern part of Carolina, called "Albemarle". The instructions urged fortified settlement of the south side of Albemarle Sound and the establishment of three towns to serve as ports for Albemarle County. The first of the three towns was to be "upon Roanoke Island which wee will have bee the Chiefe towne and the place for the Councell and assembly to meete".<sup>4</sup>

Three years later the Lords Proprietors clearly expressed their desire for a capital in northern Carolina in their instructions "to John Hearvey Esqr. President and the Councell of the County of Albemerle in the Province of Carolina". The Proprietors had appointed Seth Sothel as governor of Albemarle in 1678. John Harvey, president of the council, governed the county while Turkish captors detained Sothel in Algiers. John Jenkins succeeded Harvey as governor until Sothel finally arrived in 1683.<sup>5</sup>

Although Harvey's instructions, unlike those of 1676, did not specify an actual location for the capital, they did state that the seat of government should be in an appropriate site:

You are to choose some fitting place in a Collony whereon to builde the Cheefe towne of Albemarle in the Choice of which place you are to have Regarde to health[, ] plenty and Easy Access, you are to endeavor to get the Parliament to Raise wherewithall to build a house for the meating of the Councell and Parliament in the said towne and when the Said house is erected the Councell and Parliament are always to Sitt there and also the Surveyors Registers and Secretarys offices are there to be kept and in no other place and also the Court of Common please and Sessions of the peace. . . .<sup>6</sup>

The Proprietors certainly had no intention of fostering an itinerant government.

The instructions to Harvey not only indicated the Proprietors' intentions for a seat of government, but also set forth principles that would dominate the selection of a capital throughout the eighteenth century. A "fitting place" with "plenty and easy access" denoted convenience--a town to which inhabitants and British vessels could easily travel. The Proprietors were also concerned for a healthy site for they knew well that areas around the Albemarle and Pamlico Sounds could be harmful. Also, the instructions illustrated that, though the choice of a capital site was a matter of royal prerogative, the assembly's approval of the choice was necessary for the funding of government

buildings. Furthermore, efficient government required a fixed location for records, offices, and officials. All these factors would later influence the eighteenth-century debates concerning the seat of government.

Harvey's instructions also introduced economic considerations: "and you are to get the Parliament to pass an Act that noe Store Shall be kept Strong Drink or any goods Sould by Retayle but in the Said Towne and you are to cause all vessells that shall come into Albemarle River there to Loade and Unloade as by our Fundamentall Constitutions is Required".<sup>7</sup> Acts limiting retail goods and alcohol to the capital went unenforced in the eighteenth century; nevertheless, a capital site's economic advantages were as obvious to the Proprietors as they would be to sectional factions after 1736. Ekirch explained that, "inevitably, the establishment of a permanent seat of government would bring new men and new money to the designated town and its environs".<sup>8</sup> Furthermore, the capital would be a port, and Carolina's unenforced Fundamental Constitutions, written by John Locke in 1669, declared that the first port on a river would "be a port town forever" and would have a monopoly on trade.<sup>9</sup>

The Lords Proprietors repeated these designs for a capital in the 1681 instructions to Captain Henry Wilkinson, "Governor of That Part of the Province of



Carolina that Lyes 5. Miles Southe of the River of Pemplico [Pamlico] and From Thence to Virginia". The Proprietors announced Wilkinson's appointment as governor, replacing John Jenkins, in the hope that a stranger to the Carolinians would be able to examine the province's troubled past and "doe equal justice to all partyes".<sup>10</sup> The published Colonial Records give no more mention of Captain Wilkinson's administration, but Charles M. Andrews has described the financial troubles and imprisonment which prevented this governor from travelling to North Carolina.<sup>11</sup> Though the lords instructed in vain, they stressed the importance of a capital in their plans for the colony.

The Proprietors reiterated their intentions for establishing a capital in private instructions to Governor Philip Ludwell in 1691: "You are to use yo<sup>r</sup> uttmost endeavor to make a setlem<sup>t</sup> of a Towne remote from the Sea to be hereafter the seat of the Govern<sup>t</sup>."<sup>12</sup> Quite likely the Proprietors, in this latter instruction, feared unhealthy situations near the sounds, yet distance from the sea would not greatly affect "plenty and easy access" as long as the river of the chosen site was not too shallow for deep-draft ships.

Despite early plans for a capital, towns did not develop in North Carolina until the early eighteenth century. The first town, Bath, established in 1706, actually developed on the Pamlico River, south of the center of population

around the Albemarle region (see Map 1). Governor John Harvey organized the area around the Pamlico and Neuse Rivers as Bath County in 1696, and the county was divided in 1705 into Pamlico, Wickham, and Archdale counties. Bath Town, located in Pamlico County (later renamed Beaufort County) received no praise from Jonathan Urmstone who considered it in 1711 to be "the most inconsiderable place in the country". His opinion, however, surely reflected his problems with acquiring Dr. Bray's library, and his letters show him to be a constant complainer on many subjects. Sandra Tyler Wood has stated that "the lack of dependable financial help given by the inhabitants tainted Mr. Urmstone's whole outlook on North Carolina".<sup>13</sup>

William Gordon, an earlier Anglican minister, gave a more objective description of Bath in 1709. He commented on the smallness of the town--only twelve houses--and its inability to support a minister, but then conceded "it is not the unpleasantest part of the country--nay, in all probability it will be the center of trade, as having the advantage of a better inlet for shipping, and surrounded with most pleasant savannas, very useful for stocks of cattle". In 1716 Governor Charles Eden made Bath an official port, yet the town never grew to any significant degree. New Bern, a near neighbor, soon eclipsed it.<sup>14</sup>

In 1710 Baron Christoph Von Graffenried founded New Bern south of Bath at the juncture of the Neuse and Trent Rivers.

Upon arriving in North Carolina, Von Graffenried discovered that the land he had bought was not a choice site. John Lawson, his surveyor, placed the settlers "on the south side of this point of land along the Trent River, in the very hottest and most unhealthy position, instead of toward the north, on the Neuse River, where they could have been better placed and in a more healthy locality". New Bern's unhealthy location was a subject of lament throughout eighteenth-century discussions of the location of a capital, and in 1765, an unknown French traveller graphically described the unhealthy and unpleasant nature of the town. Although the Frenchman cited all of Carolina as unhealthy, he suspected lowness of land to be a chief cause and attributed New Bern's specific condition to "the stagnateing waters of these great rivers where there is no tide or Curent but what is occasioned by the winds. [I]n hot Calm Days youl see a thick scum on the waters, which occasions a disagreeable stench".<sup>15</sup>

Thomas Alonzo Dill has questioned the unhealthiness of New Bern's situation in a series of articles on the eighteenth-century town. According to Dill, if the site had been as unhealthy as Von Graffenried claimed, "an able frontiersman like Lawson would hardly have chosen this spot for his own dwelling". Dill also noted that Von Graffenried chose practically the same site to rebuild the town, later praising the situation.<sup>16</sup> In mentioning naturalist John

Brickell's descriptions of North Carolina towns, Dill stated that "like every other eighteenth-century writer, Brickell admired 'the pleasant Prospect' of New Bern on its two rivers". While there is merit in Dill's questioning of Von Graffenried's statement, Brickell's praise of New Bern has little significance when compared to his descriptions of other North Carolina towns. Brickell described Edenton, Bath, and Brunswick as "pleasently seated", the former two having "delightful Prospects" on their rivers. New Bern and Beaufort both had "pleasant Prospects". Dill did quote without refutation the French traveller's comments on the unhealthiness of New Bern, thus conceding to some degree a poor reputation of health for the eighteenth-century town, a reputation which would affect its consideration as a capital site throughout the century.<sup>17</sup>

Von Graffenried's settlement was almost completely demolished by the Tuscarora War in 1711. Although it received greater proportionate damage than did Bath Town, New Bern quickly recovered, growing larger than the earlier town and receiving a greater share of the trade. Yet, North Carolina officials chose neither Bath nor New Bern as the seat of government. Possibly, Bath's lack of growth and New Bern's unhealthy situation influenced that decision. Another factor may mistakenly seem to have been accessibility from England: although the lower Neuse and Pamlico Rivers were quite navigable, Ocracoke Inlet, the

passageway through the Outer Banks, allowed no ships that drew more than ten feet of water. Neither navigation nor health, however, was a factor in the decision, for Edenton, the town actually chosen as the seat of government, used Ocracoke Inlet in lieu of the more dangerous, though nearer, Roanoke Inlet, and also had a reputation as an unhealthy site.<sup>18</sup> Rather, centrality of location was the dominating influence on the choice of an early capital. Despite the early growth of towns in the Neuse-Pamlico region, the majority of North Carolina's population--and most of its leaders--resided around the more northern Albemarle Sound. The desire for a capital easily accessible to the population--the Proprietors' early intention--would also play a major role in debates after 1736.

An effort to establish a seat of government occurred in 1715 with a law to build an assembly house and courthouse at the forks of Queen Anne's Creek in the Chowan Precinct on the Albemarle Sound. The site also hosted Governor Charles Eden's residence and was incorporated as Edenton in 1722. An act of 1722 for "Enlarging and Encouragement of the Town called Edenton" clarified the role of the new town as a seat of government, requiring various "publick officers under the penalty of five pounds p'r Month to keep their Several and respective Offices by themselves or Sufficient Deputies within the Said Town of Edenton". Although an assembly

house was never built there, Edenton continued as North Carolina's seat of government after the end of proprietary rule in 1729; the town was the sole location for council meetings until 1734 and for assembly meetings until 1736. John Brickell noted that in 1737 Edenton had been the "Seat of the Governors for many Years".<sup>19</sup>

Historians have offered different interpretations of Edenton as capital of North Carolina. According to Lefler and Newsome, Edenton was only an unofficial seat of government. Enoch Lawrence Lee noted in his history of the lower Cape Fear region that Edenton "sometimes served as the seat of provincial government though it was not officially designated the capital of the province". Samuel A'Court Ashe, however, described the town as "the established seat of government".<sup>20</sup> Some differentiation may have been drawn, at least on Lee's part, between a seat of government and a capital. "Capital" was rarely used to describe a chief city for North Carolina until the end of the eighteenth century, for even in the debate after the American Revolution, "seat of government" was used rather than "capital". In such discussions throughout that century--and even before--the desire was clearly for a capital in the modern sense, which is indeed a seat of government. Thus Alonzo Dill rightly swept away any differentiation when he wrote that in 1722 "Edenton had been made the seat of certain provincial officers and of the

governor if he so chose; and thus in a legal sense but more strongly in a customary sense the town was the capital of North Carolina". No act required courts to meet there, but "Edenton was indeed the capital if by capital one meant the seat of the governor and, more important, the meeting place of the assembly".<sup>21</sup>

As the first capital of North Carolina, Edenton was representative of the slow growth of towns in the province. William Byrd described the place in his 1728 "History of the Dividing Line". Byrd accentuated the underdevelopment of North Carolina in relation to his native Virginia, and though the unpleasant work of surveying the border between the two colonies colored his views, his description of the young capital is insightful:

This Town is Situate on the North side of Albemarle Sound, which is there about 5 miles over. A Dirty Slash runs all along the Back of it, which in the Summer is a foul annoyance, and furnishes abundance of that Carolina plague, musquetas. There may be 40 or 50 Houses, most of them Small, and built without Expense. A Citizen here is counted Extravagant, if he has Ambition enough to aspire to a Brick-Chimney. Justice herself is but indifferently Lodged, the Court-House having much the Air of a Common Tobacco-House. I believe this is the only Metropolis in the Christian or Mahometan World, Where there is neither Church, Chappel, Mosque, Synagogue, or any other Place of Publick Worship of any Sect of Religion whatever.<sup>22</sup>

The Reverend Urmstone might have agreed completely with Byrd's description, though Edenton was even larger than Urmstone's Bath.

The Moravian Bishop Augustus Spangenberg also commented on both the smallness and unhealthy situation of Edenton, though at a later period, during his 1752 trip through the province. Spangenberg noted that "Edenton is said to be one of the oldest towns of America, but it is hardly one quarter so large as Germantown [Pennsylvania], though it is well situated on a rather large Sound". By Edenton's good situation, the bishop must have meant its view or access to navigation, for he lamented the site's unhealthiness:

All this section of North Carolina lies low, and there is much water, fresh and stagnant, which breeds fever every year, and many die from it. . . . We believe that we caught the fever in Edenton and brought it with us, for there is so much fever in that town that hardly anyone gets through a year without an attack. It lies low, surrounded by water, which has neither ebb nor flow on account of the sandbanks, which lie between North Carolina and the sea, and hinder the tide.<sup>23</sup>

Edenton and New Bern were to share more than a seat of government; they both shared unhealthy conditions for their residents.

Though unhealthy and slow-growing, Edenton was the official seat of government during the 1720's and early 1730's. The town's tenure as capital was brief, for new forces began pulling North Carolina's governmental workings away from the Albemarle after 1734. A new locus of settlement in the Cape Fear region, separated from Edenton by some 150 miles and several river crossings, made the location of the seat of government inconvenient for a



growing number of North Carolinians (see Map 1). The existence of two vastly separated and competing centers of growth also heightened the significance of economic advantage associated with a capital site. As some Cape Fear settlers attained sufficient political power to challenge Albemarle assemblymen on significant sectional issues, it is not surprising that such discord included the location of the capital.

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## CHAPTER II

### "A GREAT INCONVENIENCE AND CHARGE": THE SEAT OF GOVERNMENT DURING THE EARLY ROYAL PERIOD, 1729-1754

Edenton functioned as North Carolina's capital as early as 1722. Shortly thereafter settlement in the lower Cape Fear Valley began which would eventually affect Edenton's status as a seat of government. The lower Cape Fear lay in the southeastern region of North Carolina, called "Clarendon County" by the Proprietors, a region closed to settlement since 1667. Lefler and Newsome attributed the settlement restriction to the area's dangerous coastline, the threat of Indian attack, and the greater value placed in more northern regions. After settlers began arriving in the area, George Burrington, as proprietary governor, reopened the area's land office. The southern settlement contrasted with the earlier settlement of Albemarle by quickly establishing its first town, Brunswick.<sup>1</sup>

Maurice Moore laid out and named Brunswick after receiving a large grant of land on the west bank of the Cape Fear River. The assembly declared the site a township in 1729 and mentioned it in an address to Governor George Burrington in 1731. "We understand there is a town already Established on Cape Fear River," they explained, "and we are informed it is like to be a flourishing place Reason of

its Excellent Situation for the Trade of those Parts." Indeed, Brunswick did have a better entrance for ships than the more northerly ports. The assembly then made a statement which was perhaps ominous for the new town; it offered assistance to promote Brunswick "or any other Place on that River that shall be judged more proper".<sup>2</sup>

Another "Place on that River" developed shortly thereafter. The village of Newton was founded sixteen miles above Brunswick, and a 1739 law erected it into the town of Wilmington.<sup>3</sup> However, in 1740, a movement by Brunswick interests to repeal the Wilmington law produced a factional struggle. The Brunswick group argued that "many People did undertake to build and actually built, several good Houses, and made great improvements in and about the said Town [Brunswick] some years before the Village of Newton was erected", and claimed that the Wilmington law "would be attended with great injustice, in as much as it deprives those persons of the fruits of their labour and expense". A crucial point to their cause was that water depth and navigation at Brunswick were "notoriously known to be superior to those of Newton". The Wilmington faction conceded that the banks below Brunswick allowed ships of two feet greater draft than did Wilmington's banks, but emphasized Wilmington's "healthy Scituation and fine Springs". Moreover, they claimed Brunswick to be "the most sickly unhealthy place in the whole Colony", owing to its

"unwholesome Water and the Pernicious Vapours rising from the Ponds and Marshes with which it is almost Surrounded".<sup>4</sup> The law incorporating Wilmington withstood attack, and the newer town quickly surpassed Brunswick in size and trade.

The settlement of the lower Cape Fear region did not immediately affect North Carolina's seat of government. While George Burrington served as royal governor from 1731 to 1734, the council, assembly, and general court continued to meet in Edenton. This stability, however, concealed a desire on the part of Governor Burrington and his council to remove the seat of government from Edenton. Whereas formerly the governor resided in the Albemarle region, Burrington had moved near the Cape Fear River. As early as 1725, Burrington possessed a grant of five thousand acres on the Cape Fear and later built a plantation near Brunswick. Thus Edenton was no longer convenient to the governor. This fact worried many freeholders from Bertie, Edgecombe, and Craven precincts (see Map 1). These precincts lay on different river systems northeast of the Cape Fear River, and would thus compete with more recent development to the south. In April 1773 a total of 420 Bertie men petitioned Governor Burrington concerning the capital:

[T]here is a Discourse among us that you design to move the Seat of Government to the lower part of Cape Fear River which if done will prove a great inconvenience and Charge to four parts of the Inhabitants out of Five. We are sensible for many reasons Edenton is a very inconvenient

Place for the Seat of Government and much more may be said against the settling it at Cape Fear River.

Therefore we humbly desire and hope Your Excellency will take proper measures for fixing the Seat of Government near the Centre of the Province which we suppose is between Tar and Neuse River which will give a general Satisfaction to almost the whole Province and greatly promote the Speedy peopling of the unsettled part of this Country. . . .

The 110 petitioners from Edgecombe made basically the same request, as did 269 from Craven, though the latter--being further south--supposed the center of the province to be "on the South side of Neuse River".<sup>5</sup> Burrington did not move the capital anywhere, though the records are silent as to the petitioners' influence on his inaction. The requests do show, however, that thoughts of moving the seat of government from Edenton occurred at several levels of the political framework before the period of itinerant government began in November 1734.

The change of governorship that November took place rather dramatically. November 6, Burrington called an assembly in Edenton and was having some degree of success with the representatives--an unusual circumstance--when on the thirteenth he heard the proclamation that Governor Gabriel Johnston had published his commission in a council meeting on the Cape Fear. Not only did this event mark the end of an unsuccessful and frustrating governorship, but it also marked the end of Edenton's monopoly of provincial meetings. In November and December of 1734 the councils met

in Brunswick and New Hanover (the precinct including the lower Cape Fear region). The following year, the council shifted between Edenton, Newton, New Bern, and Bath, and then continued to shift between these four towns and Brunswick for the next twelve years. The general assembly also moved between New Bern, Edenton, Bath, and Wilmington from 1736 to 1747.<sup>6</sup>

Motivated by the new Cape Fear settlement, agitation for a new capital fostered the development of an itinerant government in the 1730's and 1740's. The movement to disestablish Edenton as capital possessed an influential spokesman in Governor Burrington's successor, Gabriel Johnston. In a list of orders sent by Johnston to the Board of Trade in 1736, he complained, "[t]hat as the holding all the Courts particularly that of Chancery where all the Members of his Majesty's Council are oblidge to attend at a Place so near the extremity of the Province as Edenton is found to be by experience very inconvenient". Johnston requested that the court of chancery, consisting of the governor and council, be held at New Bern, "at present the most central place of the Province", and that council members be obligated to attend. Johnston further desired to "remove the other Courts to Newbern" and that "all other offices be for the future kept in the said Town of Newbern. Any Law Custom or Usage to the Contrary notwithstanding". Governor Johnston, in a letter accompanying this order



explained his request to the Board of Trade:

The 7th Article your Lordships will find very reasonable if you please to consider that Edenton is within thirty miles of the Virginia line and Two hundred miles distant from Cape Fear where most of the council have their Habitations and Newberne is much nearer the center of the Province. I have not been able to hold above two Courts of Chancery since I came into the Province upon this account. If there is any Law confining the Courts to Edenton it is more than I know but if there is it was never confirmed by the Lords Proprietors. . . .<sup>7</sup>

Early in 1744 the governor continued this theme in an address to the council and assembly. Declaring that it was "high time" to think seriously of "a proper and convenient place for holding his Majesties Courts, for fixing the publick Offices and transacting the Business of the Colony", Johnston poignantly stated his case:

When all the parts of this Province except such as were contiguous to the Virginia Line was but thinly inhabited, when your dealings were but small and navigation inconsiderable, when the soil of the whole province was the property of the Crown, there was then no great hardships in continuing the seat of Government where it has been for several years past[, ] in allowing the Officers to keep the publick Records in their private Houses and giving their attendance twice or thrice in a year. . . But now Gen<sup>t</sup> when the Province is peopled quite up to the head of Peedee River which was formerly reconed in South Carolina[, ]<sup>8</sup> when the number of the people towards that Colony are so much increased[, ] when your commerce and navigation are so considerable augmented and so large a portion of the Lands in the Neighbourhood of Virginia are no longer his Majesties property.<sup>9</sup>

In these circumstances it is highly necessary to appoint a place nearer the

centre of the Country where his Majesties' Courts may be held[,] where Offices may be built for keeping the publick registers and Officers obliged to give constant attendance for the dispatch of Business without hurry or confusion.<sup>10</sup>

Johnston's argument concerning the seat of government contained two main thrusts. With his call for a central location for the capital, the governor invoked the old factors of "plenty and easy access" both for North Carolinians and for navigation from outside the colony--"a proper and convenient place". His motivations may have been genuine desire for practicality and personal convenience for himself and his council, rather than for economic gain; his major landholdings lay in the Cape Fear region, not on the Neuse River or in the Albemarle region. Ulterior motives for economic gain, however, were more plausible. Johnston spoke of moving courts and offices to New Bern, but he secretly hoped to move the seat of government to the Cape Fear region. Upon Wilmington's incorporation he wrote in a private letter, "In a year or two I hope to get all the Publick Business done there [Wilmington]. But this must be done by degrees." Success at moving the capital to New Bern would facilitate an eventual move to Wilmington. Such an event would not only be convenient for him and his council, but would also be an economic boon for them as landholders.<sup>11</sup>

Johnston's desire for "fixing the publick Offices" and the concern for less confusion meant a single location for

the seat of government--a desire also shared by the Proprietors in 1681. Johnston expounded on this second thrust of his argument in an address to the council and assembly later in 1744. "One great cause of all these misfortunes is the want of a fixed place for the dispatch of publick business. It is impossible to finish any matter as it ought to be while we go on in this intinerant way." He then concluded, "We have now tried every Town in the Colony and it is high time to settle somewhere."<sup>12</sup>

In complaining of itinerant government, Johnston reacted to a situation he himself helped develop by his active efforts to move the seat of government from Edenton. The governor determined the assembly's meeting place, and after 1736, the assembly consistently met in various towns. Both the governor and the majority of the council--representatives of royal authority--were associated with the Cape Fear region and desired a more southerly seat of government. Why did they not, then, establish a fixed seat of government more favorable to their location? Why did Johnston perceive a need to work by "degrees"? Though the choice of the capital site was a matter of royal prerogative, Johnston knew, as did the Proprietors in 1681, that the popularly elected assembly had to agree to the location because the assembly controlled the funds to finance public buildings. Johnston slyly understated his dependence on the assembly in a 1744 address: "I am

sensible I have it in my power to settle this point with the advice of his Majestie's Council, but I assure you I cannot without great regret determine a matter that is of so much consequence to every man in the Province without your consent and concurrence which I shall always be glad to be guided by."<sup>13</sup>

Johnston needed the assembly's approval for a capital site, and although most of the council had their "Habitations" in the Cape Fear region, the majority of the assembly did not. A law dating from 1670 allowed five counties in the Albemarle region to send five delegates each to the assembly, Bertie County three, and other counties only two. This distribution created a majority representation for Albemarle interests. The testimony of Katherine Rutledge of New Bern, who, with her husband, had kept a "House of Entertainment" in 1739 frequented by Albemarle representatives, illustrated both the representatives' use of the northern majority and their view on the capital issue:

[S]he understood that the Assembly was broke up by means of some of the Members withdrawing and absconding in the Bushes from whence it was usually called the Bush assembly. And that she often heard the assemblymen that used their House talk that they would not consent to the removing the Publick Business or the seat of Government from Edenton.<sup>14</sup>

Albemarle assemblymen thus countered Governor Governor Johnston's attempts to create a new official capital. It is

possible that some men from Albemarle desired a centralized seat of government rather than the possible risk of a capital at Wilmington, as the Bertie petitioners did in 1733. Such an attempt was not formalized again until 1746, but until that time the governor, by calling assembly and council meetings away from Edenton, succeeded in dislocating the seat of government in practice if not in theory.

By 1746, the Albemarle representatives had compromised on the issue of a new seat of government, agreeing to a more southerly location. At New Bern in June, the assembly passed a bill to fix the place for the seat of government at Bath Town, located on the Pamlico River just south of the Albemarle region (see Map 1). The council, which served as the upper house of legislature, returned the bill to the assembly with several amendments, stating that "the Place for Establishing the General Court etc" they "must insist to be New Bern instead of Bath". New Bern lay just north of the Cape Fear region, on the Neuse River. John Wynns, of Bertie County (Albemarle) described the situation in a later testimony:

[T]he Council thereupon sent a Message to the House of Burgesses insisting that they should strike out Bath Town and incert Newbern in the room thereof. . . upon which the Question was put in the House of Burgesses and was carried in the Negative[,] whereupon the Assembly was by his Excellency the Governor prorogued to Wilmington to meet in November. . . Mr. [Matthew] Rowan [a council member] said that unless the Burgesses would consent to

fix the seat of Government at Newbern they might depend there would be no Business done, for tho' the Majority of the Burgesses lived at the North, the Council were at the South, and they could put a Negative.<sup>15</sup>

Thus, the northern and southern factions--roughly the assembly majority versus the governor and council--were stubbornly divided between the sites of Bath and New Bern. The governor had the right to prorogue, or postpone, an assembly to meet again at any other place. Johnston, seeing that the Albemarle faction had matched his forces on the capital issue prorogued the assembly to meet in November at Wilmington. He hoped the Albemarle representatives would be unable--or would simply refuse--to travel such a long distance, thus giving his interests control of the assembly.

In "Poor Carolina" Ekirch gave much attention to this regional division. He observed the break "occurring roughly just beneath the six counties bordering Albemarle Sound". Ekirch attributed the gap to differing urban centers and trade outlets as well as differences in commodities and slave labor. Major sectional issues included the establishment of equal assembly representation and a new, fairer policy of land taxation, both of which the northern faction opposed. Although regional conflict occurred in other British North American colonies, Ekirch claimed that only in North Carolina did the conflict result in attempts to upset traditional

governing systems. He saw the cause of this development in basic political conditions and attitudes--fragile institutional authority, indifference to government, and the lack of a responsible ruling group.<sup>16</sup> Thus, the north/south controversy actually had a much larger scope than simple disagreement over the seat of government.

What, then, was the seat of government's importance to the larger sectional clash? In June 1746 the issue seemed of paramount importance, for it brought hostility between the groups to a climax in the Wilmington prorogation. The issue which provoked this stand-off and Johnston's severe action was neither tax reform nor representation; rather it was a choice for a capital--between two towns only thirty miles apart. A severe confrontation on such an issue would be understandable if the two factions represented the towns involved, yet the great majority of these hostile groups were from neither New Bern nor Bath. The seeming importance of the issue, however, may be misleading, for Johnston had tried a similar tactic in 1741 over a stand-off on quitrents. The greatest motivation for the stubborn stands on the capital issue would seem to be convenience. Although New Bern and Bath were close, they were connected by two ferries, one two miles and the other four. In a letter to the Board of Trade discussing the site for a capital, Arthur Dobbs, Johnston's successor, implied that in North Carolina the ferries were unpleasant additions to a trip and should

be avoided if possible.<sup>17</sup> The Albemarle representatives may have refused to accept New Bern in the well-founded fear that the capital would later migrate even further south. Economic motivation was probably less important. Bath lay just south of the Albemarle region, so northern interest undoubtedly favored economic growth there rather than in New Bern. Cape Fear and New Bern were a great distance apart, but potential economic growth at a New Bern capital probably aided the alliance between Cape Fear interests and the Neuse River region. Johnston, of course, also may have been thinking ahead economically to a move from New Bern to Cape Fear.

These motivations, though valid, may not explain fully the unbending positions taken at that June 1746 assembly. Perhaps a more satisfying explanation would be that the capital issue, in itself, was not of paramount importance in the stand-off. Rather, the issue was a show of strength by both factions. Neither faction capitulated in their choice for a capital because other issues were involved in the power struggle; one capitulation would lead to others by strengthening the opposing faction. A second examination of Matthew Rowan's threat to the assembly, recorded in the testimony of John Wynns, betrays the character of a "power play". Rowan allegedly said "that unless the Burgesses would consent to fix the seat of Government at Newbern they might depend there would be no



Business done, for tho' the Majority of the Burgesses lived at the North, the Council were at the South, and could put a Negative".<sup>18</sup> Was the clash really over the choice of a capital, or was it mainly an attempt by each faction to show once and for all who would rule North Carolina? The larger issues and hostilities found expression, to some degree, in the argument over the seat of government.

The events following the November assembly in Wilmington support this interpretation. As the assembly gathered, The Albemarle representatives remained at home. After two prorogations Governor Johnston began the assembly, which met with only fifteen of fifty-four members present. The first act passed equalized assembly representation and the second "fixed a Place for the Seat of Government" at New Bern. The assembly also passed quitrent and paper currency acts which favored southern interests. Johnston prorogued the assembly back to New Bern and then ordered new elections. When the Albemarle counties still elected five representatives each, Johnston declared their elections null and void. Albemarle representatives did not attend the assembly for eight more years.<sup>19</sup>

Both the northern reaction to the Wilmington assembly and the governor's subsequent actions showed the minimal importance of the seat of government to the sectional stands. Albemarle politicians appealed the actions to the King. Their "humble Petition" denounced the prorogation to

Wilmington as deceitful and devious, attributing their own absence to the difficulty of travelling such a great distance. They also protested the assembly's meeting despite lack of a quorum and claimed the representation act to be a violation of "Ancient Rights and Priveleges". No complaint was made, however, regarding the establishment of New Bern as the new seat of government, thus indicating the issue's minimal importance. Some agitation against the new capital may have existed, however, for in 1748 Johnston complained:

One mighty inconvenience we have to struggle with at present is, That nobody cares to lay in Provisions for Man or Horse at Newbern, tho' it is the most central and fruitful part of the Province; Such pains are taken to assure the People that the Seat of Government will be removed, when they get their five members restored . . .<sup>20</sup>

Johnston's complaint could easily have been an exaggeration or an excuse for New Bern's lack of growth. Alonzo Dill accepted Johnston's explanation and blamed a depression in New Bern on the actions of the Albemarle faction. However, Dill states that the Wilmington assembly's 1746 creation of a capital at New Bern instigated a boom in new taverns and ordinaries which lasted until 1749. On what, then, did Johnston base his complaint? Further, to blame New Bern's lack of growth on threats of removal by the Albemarle faction makes no sense when one realizes that earlier in 1748 Johnston himself began a movement to remove the capital from New Bern.<sup>21</sup> Yet,

even if accepted in full, these childish threats against New Bern did not give an acceptable indication of the capital's importance to the northern faction. The issue of the seat of government paled in comparison to that of assembly representation.

Bishop Spangenberg also indicated the relative unimportance of the capital issue in the conflict which raged during his trip through North Carolina. Although Spangenberg was well aware of the inconvenience many underwent travelling to the capital--he suggested the creation of two seats of government--in his account of the conflict he made no mention of the capital site as an issue:

There is discord between the Counties, which has greatly weakened the authority of the Legislature, and interferes with the administration of justice. The reason is this,--and I hear it from both sides: When the Colony was still weak the older Counties were permitted to send five men each to the Assembly. After a long time the Colony increased in size, and new Counties were formed, but were allowed only two representatives each. That continued until the newer Counties were numerous enough to have the majority in the Assembly: then before the older Counties realized what was being done, an Act was passed reducing the representation of the older Counties to two each also. This irritated the older Counties, and they refused to send anyone at all to the Assembly, but dispatched an agent to England to try to regain for them their ancient rights. . . .<sup>22</sup>

Spangenberg was mistaken in his belief that the Albemarle faction had lost their majority through natural growth, but he did perceive a definite reason for the older counties'

stand--representation.

The actions of the governor and council after the establishment of New Bern as the seat of government also indicated that the southern faction had stood for its selection for more reasons than just a genuine desire to have it as a capital. The legislative journal of 1748 presented a further discussion on the seat of government:

His Excellency the Governour was pleased to recommend it to the Council whether instead of New-Bern the present Seate of Government, it would not be more Eligible to make and Establish the same upon Trent river[,] the publick Buildings not being yet erected at New Bern pursuant to Act of Assembly in regard to the known unhealthiness of the former place from the badness of the water and other Causes, And the want of proper Accomodations in the said Town.

The Council having considered of his Excellency's Motion were of Opinion that there was sufficient Reason for removing the Seat of Government, and that Trent river would be a proper place whereon to fix the same; and that when a particular place has been pitched on a Bill should be brought in for that purpose.<sup>23</sup>

The council had met in New Bern eight times--at the least--before the assembly of 1746; certainly the governor and council had prior knowledge of New Bern's unhealthiness and lack of accommodations before pressing for its acceptance as the seat of government. Lack of accomodations was in itself a poor reason to disestablish New Bern as capital, for none existed at the Trent River site while New Bern was in the midst of a boom in new ordinaries. They probably had desired New Bern over Bath because the former was nearer

Cape Fear, but dissatisfaction with New Bern indicated that they mainly wanted to thwart the stubborn Albemarle faction.

In 1746, before the discussions on removal of the capital from New Bern, Johnston answered the northerners' appeal by presenting his own case to the London authorities. The governor accused the northern faction of maliciously subverting the progress of government by withdrawing from assembly meetings to prevent the passage of bills unfavorable to them. A major point in his defense was that the northern representatives boycotted the Wilmington assembly:

When I prorogued the Assembly in June last till the middle of November next then, to meet at Wilmington, they entered into a formal Agreement not to attend, and to engage as many of the other Members as they could influence to stay at Home. . . . [A]fter two small Prorogations to render their absence inexcusable, we proceeded to Business and passed this Law now under your Lordships consideration and another for fixing the seat of Government. . . .<sup>24</sup>

During the ensuing investigation, John Wynns denied knowing of "any Confedaracy of the Northern Burgesses not to meet at Wilmington". Katherine Rutledge, however, testified that she "frequently heard divers of the Northern Members of the Assembly held at Newbern June 1746 speak bothe before and after the Assembly was Prorogued to Wilmington that they would not go thither".<sup>25</sup>

Despite the investigation in 1749, an official decision was delayed until 1754. On March 26 of that year, the Committee of Council for Plantation Affairs recommended that the representation act and the act fixing New Bern as the seat of government be repealed. The repeal of the first act was a decisive victory for the Albemarle faction. Ekirch, however, attributed the disallowal of the second act, which, in addition to a seat of government, also established courts, to the developing British policy of strengthened royal prerogative. The act was rejected "partly on the grounds that only the governor could establish courts".<sup>26</sup>

Whatever the reasons for the act's disallowance, the instructions to Arthur Dobbs, appointed governor in 1754 following Gabriel Johnston's death, clearly illustrated the new status of North Carolina's seat of government. On June 17 the Board of Trade directed, "that you do likewise forthwith consider of a proper place for the seat of Government and make Report thereof to Our Commissioners for Trade & Plant<sup>s</sup> in order to be laid before us for our further directions therein".<sup>27</sup> North Carolina's seat of government was once again an unsettled question. The instructions to Dobbs, like those to John Harvey in 1679, expressed the desire of a ruling body for a capital in North Carolina. The new governor would struggle with the same considerations set forth by the Lords Proprietors. Between

the two sets of instructions, North Carolina experienced the establishment and dislocation of two different seats of government, and endured an itinerant government shifting among several towns.

## NOTES FOR CHAPTER II

1. Lefler, North Carolina, p. 65.
2. Ashe, North Carolina, p. 213; CR 3: 261; 4: 486.
3. This site was originally laid out as New Carthage in 1733, then the name changed to New Liverpool, New Town/Newton, and finally Wilmington. See William S. Powell, ed., The North Carolina Gazetteer (Chapel Hill: The University of North Carolina Press, 1968), p. 537.
4. CR 4: 458, 486, 515; for more information on the development of the lower Cape Fear region, see Lee, Lower Cape Fear, pp. 117-144.
5. Ashe, North Carolina, p. 213; Cain, Records, pp. 298-144.
6. Ashe, North Carolina, p. 246; Meeting sites as found in CR, vols. 3-5.
7. CR 4: 204-206.
8. The headwaters of both the Pee Dee and Little Pee Dee Rivers are in inland North Carolina, northwest of Cape Fear (see Map 2).
9. This land in Virginia's neighborhood refers to the northern part of North Carolina which was granted to Lord Carteret, Earl of Granville, creating, as Lefler and Newsome state, a "'private proprietary grant' within a royal colony" (Lefler, North Carolina, p. 145).
10. CR 4: 721.
11. Nina M. Tiffany, ed., Letters of James Murray, Loyalist (Boston: printed, not published, 1901), quoted in Lee, Lower Cape Fear, p. 128.
12. Lefler, North Carolina, p. 162; CR 4: 735.
13. CR 4: 735.
14. CR 4: 1190.
15. CR 4: 833, 1172.
16. Ekirch, "Poor Carolina", pp. 87, 110.
17. Lee, Lower Cape Fear, p. 128; CR 5: 341-344.



18. CR 4: 1172.
19. SR 25: 252; CR 4: 1024.
20. CR 4: 1158-1160, 1166.
21. Dill, "New Bern" part 5: 51-52.
22. Spangenberg, "Diary", pp. 31, 35-36.
23. CR 4: 848.
24. CR 4: 1152-1153.
25. CR 4: 1172, 1190.
26. CR 5: 113; Ekirch, "Poor Carolina", p. 109.
27. CR 5: 1119.

### CHAPTER III

#### THE CURSE OF "PESTIFEROUS ANIMALCULAE" THE SEAT OF GOVERNMENT DURING DOBBS'S ADMINISTRATION 1754-1764

"Many and various have been the Disputes in this Province, with Regard to fixing upon a proper PLACE for the Seat of Government." So began James Davis' 1764 account of the capital dispute in his North Carolina Magazine. In his article, entitled "Newbern's Remembrancer: Or, An Essay on the Seat of Government", Davis gave a brief history of the capital issue during Johnston's administration. Noting that "this Matter was the great Bone of Contention", and describing the sectional nature of the dispute as well as the northern advantage in the assembly, Davis presented the capital stand in a New Bernian perspective:

At Length, by the great Industry and unwearied Diligence of Governor Johnston, an Equilibrium was effected, and a Law passed for settling the Seat of Government at Newbern; but as this Law abridged the Northern Counties of some Privileges, application was made to England for a Repeal of That, and some other Laws. After several Years Sollicitation, this Matter was determined in their Favour, and a Repeal of those Laws sent over by his Excellency Arthur Dobbs, Esq; who was then appointed Governor of this Province on the Death of Mr. Johnston.<sup>1</sup>

That the debate over the seat of government was really the "great Bone of Contention" for the northern and

southern factions is doubtful, for this and other controversies developed from the question of balance of power in the assembly. To James Davis, a New Bern resident and politician, the capital issue had greater importance than it did to the Cape Fear or Albemarle factions, for New Bern had been strongly in the running for the seat of government. A New Bern resident supporting Johnston's stand for the town would also see the governor's efforts as effecting an "Equilibrium", when in fact Johnston had prorogued an assembly meeting to a place inconvenient to his opponents and then defied quorum restrictions to get his bills passed. Despite Davis' emphasis on the capital issue's importance, he nevertheless admitted that opposition to the Wilmington laws developed from the abridgement of northern privileges in the assembly.

The date of Davis' article was, however, 1764--a decade after Johnston's New Bern law had been repealed. Davis was writing long after Johnston's administration ended. The capital issue remained unsettled throughout Arthur Dobbs's administration and continued to reflect dissensions within North Carolina's political sphere. The continued debate, as in Johnston's administration, involved aspects inherent to the placement of a seat of government: convenience, healthy situation, economic advantage. The Lords Proprietors had considered these factors in their 1679 instructions to John Harvey concerning an appropriate site.

These aspects, however, ranked low in priority during Dobbs's administration when men used the controversy as a mere tool to accomplish other objectives.

With Arthur Dobbs's instructions of 1754, the Board of Trade instituted a new era in the search for North Carolina's permanent seat of government. Instructed to "forthwith consider of a proper place for the seat of Government and make report thereof", Dobbs nevertheless had other urgent matters to consider as he took office.<sup>2</sup> The new governor's first priority was to bring order out of the regional conflict. North Carolina needed a stable political situation both to attract new settlers and to put forth a united defensive effort with the outbreak of the Seven Year's War in 1754. Arthur Dobbs, however, was not a disinterested newcomer. As early as 1735 he owned large land grants in New Hanover Precinct (see Map 1) and in the growing piedmont area and had recently been an active supporter of the Albemarle faction. Despite these earlier entanglements in the province, Ekirch claimed that Dobbs successfully "eschewed partisanship during the early years of his administration", enabling "an uncommon period of political peace during the mid-1750's".<sup>3</sup>

Dobbs's initial assembly, at New Bern on December 12, 1754, was a momentous occasion in that the Albemarle representatives participated for the first time in eight years. The new governor called for a united effort for the

good of the province and diplomatically postponed the election for Speaker until all the representatives arrived, resulting in the choice of an Albemarle representative. James Davis commented on the period of peaceful politics following this assembly. "A General Coalition seemed to take Place", he observed, "a Sacrifice seemed to have been made of all private Animosities and Party-Contention, and the Streams of Government now seemed to flow in a smooth and unruffled Channel." This idyllic phase, however, lasted only a few short years. Davis noted, "the great Mutability of all Human Affairs soon clouded this Serenity."<sup>4</sup>

Ekirch attributed the short-lived tranquility to a variety of causes. The 1754 Privy Council edicts ended the argument over representation in Albemarle's favor. Growing Anglo-French hostility and then the outbreak of war threatened the province sufficiently to make unified action desirable, a need reinforced by a threat of slave insurrection in 1752-53. The sudden willingness of Virginia merchants to accept paper money from North Carolina eased some regional tensions. The aging of factional leaders and the desire by both factions to gain the new governor's favor also worked to modify beligerance.<sup>5</sup> Despite the resulting calm, however, the capital issue was still much alive in the mind of Governor Dobbs.

Unlike the previous two governors, Dobbs fixed his residence in New Bern. This made perfect sense to Davis, "the Seat of Government having been before settled at NEWBERN, and That being the Centre of the Province".<sup>6</sup> Governor Dobbs, however, never had any intention of fixing the capital at New Bern. In a letter to the Board of Trade, dated November 9, 1754, Dobbs revealed his plans:

As soon as the seat of Government is fixed which I apprehend at present will be upon News [Neuse] river, above this town [New Bern], as far as it may be navigable for flat bottomed boats, in case I find the Lands good, and situation healthy, as it will be nearer the back settlements which increase very fast, and is most Central, and this town will still be the place where the merchants will reside and ships be entered, and both the gentlemen to northward and southward, seem to like it as the great Ferries at Edenton and Bath will be avoided; and it will be equally near Cape Fear, as this place, and more healthy. . . .<sup>7</sup>

Dobbs clearly desired a more central location for the capital than New Bern offered. He perceived that a westward move would be more convenient to both Albemarle and Cape Fear residents and would perhaps cement a relationship between the coastal community and the province's rapidly growing backcountry. Although Gabriel Johnston had attempted to move the seat of government further west of New Bern, on the Trent River, Dobbs was first to state nearness to back settlements as a motive for such a move. Interestingly, Dobbs was also the first officially appointed governor to own large tracts of land in the

piedmont, thus having personal interest in a westward shift. Thus, a desire to profit economically from a new capital location may have influenced Dobbs's efforts. The area which he suggested did lie nearer his tracts than did New Bern. In fairness, however, Dobbs expressed the desire to remove as little business from New Bern as possible.

Dobbs also believed that the new site would be healthier than New Bern. Requesting from the assembly the establishment of funds for public buildings, Dobbs stressed his "command from his Majesty to look out & fix upon a convenient and healthy situation for the seat of Government & Courts of Justice", stating that "the Credit & increase of the trade of the province depends in a great measure upon the healthiness and Increase of the Capital, and having all the public Offices together".<sup>8</sup>

Dobbs later revealed another motive for movement of the capital site. In a 1756 letter to the Board of Trade, the governor complained that New Bern had "no convenient houses. . .but most indifferent houses not 30 feet long and 20 wide exposed to the weather". In his biography of Dobbs, Desmond Clarke inferred from such complaints that lack of "suitable buildings for business purposes" as well as the lack of a "suitable Governor's house played equally important in Dobbs's dissatisfaction with either New Bern or Wilmington as a capital site."<sup>9</sup>

The unhealthiness of New Bern would become the major issue of the capital debate during Dobbs' administration. Dobbs once described the town as "very aguish" and complained "the Water here [New Bern] is very bad[,] the land low and sandy with some Marshes near it which adds to the Moisture and heat in the summer and autumn".<sup>10</sup> Not all considered the situation so serious. James Davis not only insinuated the contempt with which some of the town's residents held Dobbs' health concerns, but also the proportions which the health issue took:

Newbern did not agree with SOME Constitutions; the Air and Water were judged contagious: the Gentlemen of the Faculty were consulted; who gave it as their Opinion, that the Air and Water of Newbern were replete with pestiferous Animalculae, and that the only Way to preserve Health in those that drank it, was to boil it, which would volatize the Spirit, and cause the slimy Noxtiae to gravitate; or rather to mix with it a proper Quantity of good Jamaica, which would break the Cohesion, and cause the pestiferous Animalculae to subside. In short, the PLACE was disagreeable, and a NEW ONE must be found.<sup>11</sup>

Arthur Dobbs set out to find such a new place on April 9, 1755. Travelling up the Neuse River he viewed favorably the site of Tower Hill, forty to fifty miles above New Bern near a site called Stringer's Ferry. Dobbs described Tower Hill as "fine rising ground from the Ferry, dry, healthy and good springs; and extends a considerable way pretty level back from the river, where the lands are very good, altho' they are piney at some distance from the river." Upon his



return, Dobbs himself purchased the land at Tower Hill with the hope of establishing a new capital there--George City, in honor of King George II.<sup>12</sup>

In May Dobbs sent a letter to the Board of Trade "relating to the place fixed upon him for the seat of Government". Although the Lords of Trade commended Dobbs's early "zeal and regard" for the province in his decisive actions on the capital issue, they were perhaps worried by his aggressive and independent attitude and reminded him who controlled the province's purse:

We have no doubt from the Account and description you give us of Stringer's Ferry upon Neuse River, that it is a proper place for the Seat of Government but we are inclined to believe that His Majesty will not think it advisable to give any positive directions, without having the sense of the People taken upon it in the next Session of the General Assembly. . . .

Making it even clearer, they continued, "it appears to us that such directions would be ineffectual, unless there are Assurances from the People that they will make a proper Provision for erecting publick Offices and for such other Services as will necessarily require expense". They further proposed a joint address from the council and assembly to the crown.<sup>13</sup>

An assembly motion, resolved with no dissenting vote on October 12, 1756, prepared the way for Dobbs's Tower Hill address. The motion declared the town of New Bern an "Improper Place for the Seat of Government and the Meeting

of the General Assembly being found by many years Experience from the Badness of the Air and Water thereof to be exceedingly unhealthy". With New Bern thus out of contention, Dobbs addressed the assembly four days later about a new capital site. He informed them that the Board of Trade thought it "proper to advise his Majesty that it should be somewhere on the River Neuse[, ] but as this Province must be at the Expence of erecting several Publick Buildings his Majesty will not fix the Place untill the Assembly of the Province view the several Situations on the River and represent by Address to him which Place they think will be most Healthy and convenient". Dobbs desired that the assembly view the situations on the river and "choose the most convenient place".<sup>14</sup>

Although the governor instructed the assembly to "view the several Situations on the River" which he had nominated and then from these sites choose a place for the capital, the assembly made no such restrictions in their instructions to survey committees. On October 16, the assembly resolved to send eleven men "to view the river Neuse and that they or a majority of them report their Opinion to the next Session of Assembly what part of the same is most suitable to fix the Seat of Government and they also report their Opinion of any other Place or places". Similarly, a committee of five was commissioned on October 23 "to view the several situations of the River Neuse and

such other places as they think proper for that purpose."<sup>15</sup>

This discrepancy of thought between governor and assembly demonstrates that, though both may have been unsatisfied with New Bern as a capital, the assembly was not completely charmed by Dobbs's great plans. In fact, the assembly took no decisive action on the Tower Hill issue for more than two years. "An Act for erecting a City on Neuse River, upon the Plantation called Tower-Hill, fixing the Seat of Government therein, and building a Governor's House, and public Offices in the same", was not proposed until November 1758. The first section of the act stipulated the necessity of fixing a capital and voiced the traditional concerns for the choice of a site: "Whereas, it is absolutely necessary, that the Seat of Government shold be fixed . . . at a proper healthy Place, as central as may be to the Inhabitants of this Government." A second section seemed to relate the findings of the survey committees: "Tower Hill . . . in Dobbs County, hath been found to be healthy and agreeable, having the natural Advantage of a pleasant temperate Air, high and dry-Land and wholesome Spring." The third section noted the governor's ownership of the property and set aside all 850 acres for the sole use of the city. The Tower Hill Act was finally signed by the governor on December 22.<sup>16</sup>

The length of time the assembly took to affirm Governor Dobbs' plan for a capital belied the possibility that the

acceptance of Tower Hill was not a straightforward development. The assembly's pleasant description of Tower Hill also indicated that other motives besides desire for an appropriate site were in play, for Dobbs's land may not have deserved such praise. James Davis desired the capital to remain at New Bern, and his tongue-in-cheek description of the new site discredited it as a perfect choice.

Describing it as a place "about 40 Miles above Newbern, pretty pleasantly situated on a high Hill, about a Quarter of a Mile from the River, having an impenetrable Morass or Swamp in Front, and the River ALMOST navigable for Canoes."<sup>17</sup> The full impact of the Tower Hill Act's suspicious description of the site, however, is found in addresses from the assembly and council to the crown requesting the repeal of the act. In 1762 these bodies complained that the site at Tower Hill "is found extremely difficult of access either by Land or Water, to most of the Inhabitants of this Province". As a seat of government they found it "entirely unfit and Improper for that Purpose[, ] lying at a great distance from any navigable Water and at Certain Seasons of the year Extremely difficult of access".<sup>18</sup>

The complaints of the 1762 assembly and council certainly cast doubt on their 1758 counterparts' acceptance of Tower Hill on the grounds of appropriateness of site. Other motives were involved in the creation of the Tower

Hill Act, revealed in the events related to the capital issue between Dobbs's 1756 address and the 1758 act. The two-year lapse indicated a reluctance to accept Dobbs's land as a capital site, but several factors transformed this reluctance into a firm choice of the site.

Fortunately, the "great deal of caballing and management" over the seat of government prompted Governor Dobbs, in a letter dated January 22, 1759, to "write fully upon it" to the Board of Trade, so at least one side of the story is clear.<sup>19</sup>

The transformation began, strangely enough, with the ill health and inadequate accommodations of Governor Dobbs. The governor was unhappy with the "small house at a high rent" in New Bern which he "was obliged to pay without either Garden or field to keep either horse or Cow". The New Bern site was also "in a low unhealthy situation" which caused Dobbs to have "several relapses in Fever and agues". Dobbs informed the Board of Trade that because there were "no hopes of fixing on a place for the seat of Government" early in 1758, he had inquired for a new residence and was offered an incompleted house near Brunswick in the Cape Fear region. Clearly the assembly had failed to agree on the Tower Hill site, but Dobbs's move to the Cape Fear in the spring of 1758 gave him a new strategy to force an agreement. This strategy was clear in his own description to the Board of Trade:

I last Spring moved my family thither, and

proposed holding Assemblies alternately at Edenton and Wilmington to prevent any jealousy between the Northern and Southern Inhabitants. This however alarmed the Gentlemen in the north lest hereafter the seat of Government might be fixed at Cape Fear, as it has the best navigation in the Province, and they made me a proposal to fix the seat of Government upon Neuse in the situation I recommended to your Lordships. . . .<sup>20</sup>

Once again, North Carolina faced the uneasy situation of a governor residing in the Cape Fear region. In 1733 settlers petitioned Governor Burrington in fear that he would remove the capital to the lower part of the Cape Fear River. In 1746 Governor Johnston achieved the passage of controversial bills by proroguing the assembly to Wilmington. In 1758 northern representatives evidently felt threatened--quite likely with good reason--that Governor Dobbs would establish the capital at Cape Fear, in practice if not in law. The assembly latched upon Dobbs's Tower Hill site as the lesser of two evils.

Dobbs's strategy, actually a form of blackmail, succeeded for the moment. The form which this success took, however, demonstrated the tentativeness of the agreement between the governor and assembly. The act for fixing the seat of government at Tower Hill and erecting public buildings should have been passed with a suspending clause--a clause which prevented a bill from taking effect until word of the crown's approval had been received. The crown frowned upon or repealed bills passed without such a

clause, but the colonies at times took advantage of their distance from England by not adding a suspending clause to a bill which offered no promise of royal approval in order to benefit from the act until orders to repeal the bill arrived from the crown. Royal governors were generally instructed not to pass such bills. The Tower Hill Act passed without a suspending clause, as Governor Dobbs explained:

[T]his I consented to, and thought upon your Lordships having approved of it in case they addressed His Majesty upon it to lay them under an obligation of paying for the buildings, I might venture to pass such a Bill without a suspending Clause which they thought would delay the building, since His Majesty, if He disapproved of it would repeal the Bill, and if it were delayed, they might change their mind and not fix the seat of Government.<sup>21</sup>

The suspending clause, or lack of it, presents an interesting problem in the passage of the Tower Hill Act and the psychological games being played by the governor and assembly. Governor Dobbs implied that the assembly urged him to pass the bill without a suspending clause because they did not want to delay the building of public offices until word of approval returned to North Carolina. The explanation is unacceptable, for the assembly had put off any decision on the capital for two years--and would have likely continued their indecision had not Dobbs created fears of moving the capital to Wilmington. Also, since the assembly was sufficiently underwhelmed with the choice of Tower Hill, it is unlikely that they would have been anxious

to begin building offices there at public expense. Dobbs may have been completely truthful, however, in asserting that the assembly urged him to forget the clause on the grounds of speedy building, for the representatives may have used buildings as an excuse to get the bill passed without a suspending clause, knowing that such a bill would probably be vetoed by the crown. On the other hand, Governor Dobbs may well have been gambling--against the odds--that the bill would pass even without the clause, hoping that the Lords of Trade would not miss the golden opportunity to bind the colonists into paying for the public buildings. Dobbs evidently knew that the assembly was so lukewarm on the agreement that, if passed with a suspending clause, "they might change their mind and not fix the seat of government" before the crown's approval reached the province.<sup>22</sup>

The assembly, however, was far from innocent in accepting Tower Hill in the face of Wilmington overtures. The representatives actually used the Tower Hill Act in some blackmail strategy of their own. Governor Dobbs and the assembly had been at odds over issues involving the power of provincial treasurers. Dobbs desired greater control over these men--especially in determining their tenures and auditing their accounts.<sup>23</sup> In 1758 a related controversy arose when Parliament allotted 200,000 to the colonies as a reimbursement for military expenses during



the Seven Years's War. North Carolina's lower house created a grant bill which would give the province's share to the two public treasurers for disbursement. Knowing that such a plan would not win the approval of a governor already fighting to limit the treasurer's powers, the assembly, in December, hoped to use the unwilling Tower Hill agreement to force through their grant bill--by putting the bills together as a package deal.<sup>24</sup>

In his letter to the Board of Trade, Governor Dobbs explained the development of this grant bill and the factional nature the treasurer issue had taken.<sup>25</sup> Governor Dobbs saw this bill as threatening to royal prerogative. He noted that the assembly attempted to enhance the bill by assuring Dobbs of reimbursement for attendance at a Philadelphia military conference and "the rent of my house for the time past which were at my private expense, thinking I would break through my instructions and pass a Bill which so greatly affected His Majesty's Perogative and the Power of the Governor and Council".<sup>26</sup>

Dobbs objected specifically to the lodging of the granted sum in specie with the treasurers and the proposed appointment, without his approval, of an agent to obtain the grant. This agent would receive instructions solely from the assembly through its committee of correspondence. The assembly, however, "insisted upon it that the first Bill for the seat of Government should not pass unless the

other went with it, as hand and glove"<sup>27</sup> Thus the assembly returned blackmail for blackmail, refusing to pass the Tower Hill Act unless the governor agreed to their grant package. This was a gamble on the assembly's part, for representatives had already voiced fears that Dobbs would begin meeting the assembly at Wilmington--the governor could do this without officially fixing a seat of government. These representatives must have been aware of a keen personal desire on Dobbs's part to have the capital at Tower Hill--a desire so great it would tempt him to approve such a distasteful grant proposal. Less likely, the assembly's fears of a move in the seat of government may have been contrived, leading Dobbs to believe his blackmail had worked, while in reality setting the governor up for the grant scheme. The previous history of the capital issue, however, supports the view that the assembly was acting on a legitimate fear, but saw the allotment as a means to benefit from their Tower Hill compromise. In any case, the assembly depended on Dobbs' desire for a capital on his own property.

Governor Dobbs may well have been motivated by the chance of personal gain--Tower Hill was, after all, his own possession. Dobbs's biographer, Desmond Clarke, discounts this possibility entirely. When asked by the assembly for a proper price for the capital site, the governor had replied, "as you have thought it the properest place for the

seat of Government from its Healthy situation and being most central for the Ease of the Inhabitants (though I should have been glad that it had been fixed on any other convenient Situation) I shall desire no more than the original sum which it cost me".<sup>28</sup> Clarke viewed Dobbs's reply as proof against the charges "that he purchased the Tower Hill property with the avowed intention of utilising it as a site for the seat of Government and reaping a rich return on the sale of land". That Dobbs did indeed purchase the site with "the avowed intention" of a capital is clear from the records. True, Dobbs made no profit from the sale of the capital site, but Clarke further asserted that Dobbs "never pressed the Assembly to purchase his property, nor did he show the slightest desire to enrich himself at the expense of the province".<sup>29</sup> Both these claims are doubtful in the face of the pressure Dobbs asserted on the removal of the capital to Cape Fear, the assembly's hesitance at accepting Tower Hill, and the fact that Dobbs purchased other property near the proposed capital site. Earlier in Dobbs's biography, Clarke quoted a private letter of 1755, in which the governor confided to a friend to have

purchased a plantation of 900 acres about ten miles from here [New Bern] on a fine navigable river . . . and will be at a reasonable distance of the seat of Government. Whether I fix it here or higher up the Neuse river I shall be within an easy day's journey of it. I have taken out a warrent to have a patent for 1,000 acres more in my daughter Fanny's name . . . which . . . I design to give her as an addition to her portion which will be

very valuable once the capital is paid.<sup>30</sup>

Dobbs did not give the location of his daughter's property, and used "capital" in its economic rather than geographical meaning, but the governor did own at least 900 acres between New Bern and Tower Hill. The possibility of self interest in Dobbs' desire for a capital west on the Neuse is made plausible by these lands and the governor's possessions in the back country. The assembly may well have been appealing to financial motives in using the Tower Hill Act to tempt the governor.

The ball did not lie in the assembly's court for long. Dobbs confessed to the Board of Trade that "upon this fine spun scheme I thought to finesse as well as they". According to North Carolina legislative procedure, a bill had to be passed by both the lower house and the upper house three times--not becoming law until the third passage by the upper house (council) and the governor's signature. In his "finesse", Dobbs spoke to his friends in the council, asking them "not to oppose the 2<sup>d</sup> Bill until the third reading except in some trifling amendments". When the lower house had passed both bills for the third time, Dobbs assembled the council and informed them that the second bill was "of an extraordinary nature which affected His Majesty's Prerogative and the rights of the Governor and Council", showing them articles of his instructions which conflicted with the bill. Although some council members

suggested a suspending clause would validify the bill, Dobbs successfully persuaded them not to pass it. The council passed the first bill for the third time, establishing the seat of government at Tower Hill, but postponed reading the second bill, thus enabling prorogation before even considering the bill.<sup>31</sup>

The governor's success naturally provoked the lower house. Dobbs described the hostility:

[U]pon this Disappointment the Lower House were all in a flame, the managers being greatly disappointed; & represented to me that there must be a Dissolution unless the upper House would resume the Bill, desiring I would speak to the Council to revoke their resolution, and pass the Bill--I told them I thought it was unprecedented, but they were to have no restraint put upon them.<sup>32</sup>

When the assembly met again in May 1759, the lower house renewed its attempts to gain control of Parliament's grant, sending James Abercromby to England as its own agent. The grant issue, however, was then divorced from the capital site, the former resolved in 1763 to the favor of the lower house.<sup>33</sup>

The Tower Hill Act which failed to achieve the assembly's purpose in 1759, faced a bleak future, for the lower house never wholeheartedly approved of the site. The exact route of the act's death, however, is uncertain. James Davis was vague in describing the fate of the capital site:

But as there was another Bill to have passed at this Time, and have gone Hand in

Hand with it . . . the Loss and Miscarriage of that Bill so benumbed and froze up the Spirit of the other, that poor Tower-Hill was neglected, and the great Ardor of the commissioners for building the City of G E O R G E, quite dissipated.<sup>34</sup>

That there was much "Spirit" to "freeze up" was debatable, but the plans for George City certainly did fall by the wayside. Samuel A'Court Ashe asserted that in April 1759 the Board of Trade instructed Dobbs to repeal the act fixing the seat of government at Tower Hill, for the lack of a suspending clause. This instruction was accompanied by the disallowance of six other statutes, including a judiciary act establishing superior courts. Governor Dobbs delayed enforcement of the judiciary repeal for practical reasons, and may have also done little to execute the Tower Hill repeal.<sup>35</sup> In any case, the act was still alive and kicking in 1762, for the assembly then began fighting it bitterly.

Hugh T. Lefler asserted that the law was promptly disallowed when "the Privy Council learned that this site was located on lands owned by Dobbs personally and that there had been charges of speculation and corruption in getting the statute passed".<sup>36</sup> Lefler did not clarify, however, if these reasons applied to the 1759 repeal or to the ultimate repeal after 1762. That the royal colonial administration had been unaware for seven years that the potential site originally belonged to Arthur Dobbs is highly unlikely. As late as June 1762, however, the Lords of Trade showed both willingness to support a capital at

Tower Hill and suspiciousness of the act. The Board, having received confused correspondence "concerning that part of the money appropriated for building a City upon Neuse River", were "totally at a loss to guess" Dobbs's connection between the act and the past Parliamentary grant--already allocated:

[H]ad this Act been passed, as it certainly ought to have been, with a Clause suspending its execution until the King's Pleasure had been known your meaning would have been obvious[,] but as there is no such Clause and as the Share of your Province . . . has, we suppose been long since received by the Agent, we know of nothing that can prevent the Act from being carried into execution unless his Majesty should repeal it which we shall not take upon us to advise, so long as the Reasons that induced the passing it and which appeared from your Letters to the late Board to be so well founded in reason and good Policy stand unimpeached.<sup>37</sup>

Petitions from both houses of the assembly to the crown for repeal of the Tower Hill Act, made in April and December of that year, enabled the Board to infer that Dobbs's reasons were not "so well founded" after all.

The Tower Hill controversy, as had the capital issue during Johnston's administration, began in the context of much larger conflicts between the governor and the assembly. James Davis gave a picturesque account of the growing tensions of the late 1750's and early 60's. "DISCONTENT sat on every Brow, and warm Messages and Answers passed between the Governor and the Lower House of Assembly. It would be tedious and disagreeable to wade

thro' all the Hot Water of these Times . . . ."38 The "Hot Water" by 1760 mainly consisted of the Parliamentary allottment, a superior court bill, and a military aid request: all engendered strong disagreement. The lower house received a leader in Thomas Child, agent of John Carteret, Earl of Granville, who was proprietor of the northern half of the province. Child, having been absent from North Carolina for nine years, returned in 1759 and regained his post as attorney general. Dobbs appointed him to the council in 1760, but Child, having pretensions to the governorship, allied with the lower house, convincing the representatives that his influence with Granville could achieve Dobbs's dismissal. On May 23, 1760, the lower house met in a closed, secret session and adopted an address to the king composed of fifteen complaints against Governor Dobbs, requesting his dismissal. One of the resolves complained of Dobbs's removal of public papers to Cape Fear. Dobbs learned of the address, but was busy in battling the assembly over other vital issues. The house rejected the governor's compromise on the courts bill, but when he prorogued the assembly for three days, the representatives finally consented to it on May 26. Dobbs, however, rejected the assembly's military aid bill and prorogued the assembly until September. Then, following the lead of his predecessor, Dobbs changed his mind and called a June assembly meeting in Wilmington, probably



hoping Child and his "Northern Junto" would boycott the session.<sup>39</sup>

Dobbs's opponents did indeed forego the long trek to Cape Fear, and the governor achieved the passage of his aid bill, succeeded in skillfully thwarting the lower house's attempts at his dismissal, and witnessed the dissolution of his opposition. Ekirch asserted that the remaining four years of Dobbs's administration "witnessed a return to relative political tranquility". Although disputes continued, most ended in compromise or in a direct ruling from the Board of Trade.<sup>40</sup> The capital issue, however, was never settled during Dobbs's administration. In fact, from 1760 to 1764 animosity over the location of the seat of government increased.

In remembering 1760, James Davis described an impending doom in stark contrast to Ekirch's peaceful scene: "And now the Cloud that before was only seen at a Distance, began to gather thick, and the Storm threatened to break over our Heads!" The worst of the storm, as Davis perceived, was Dobbs's removal of government functions to Cape Fear:

[T]he Seat of Government was totalled removed to Wilmington; Assemblies, Courts of Chancery and Claims, were there held; the Secretary's Office was translated to that See, and a C A R T dispatched to Newbern for PUBLIC RECORDS. Now it was, that those who were dissatisfied with the Seat of Government at Newbern, and wanted it nearer Home, saw it, too late, removed farther off; saw it removed 100 Miles farther, to the Southern Extremity of the Province; saw it removed to a sandy Desart, to which they could not approach, but at

the Expense of their Horses Hoofs!<sup>41</sup>

Davis' subjective lament of Wilmington did relate the true fact that by 1761 complaints concerning assembly meetings in Wilmington arose not only among New Bern and northern representatives, but also among house members from the back-country.<sup>42</sup>

These complaints sparked little sympathy on Dobbs's part, but they did move him to give a bit of advice. James Davis described that "[i]n this Situation of Affairs, great Complaints were made; and his Excellency the Governor was pleased to tell the People, the Fault lay at their own Doors, why did not they Address his Majesty to settle the Seat of Government, as he could not pass a Bill for that Purpose?"<sup>43</sup> In response the houses sent a joint address to the king in April 1762, asking for the repeal of the Tower Hill Act--because of that site's poor qualities--requesting the seat of government be established at New Bern, and promising to erect there a governor's residence and other necessary public buildings.<sup>44</sup>

The April address, however, met with no success and the assembly instigated another petition on December 1, 1762. On that same date Dobbs petitioned the assembly to be paid the principal and four years interest of the Tower Hill purchase price, asserting that he "never Interfered with The Land nor received any Benefit from it".<sup>45</sup> No answer to Dobbs was recorded, but the assembly spent much time

preparing their address to the king. A joint committee from the assembly and council examined the problem. The resulting petition spelled out the unfit situation of Tower Hill, "lying at a great distance from any navigable Water and at Certain Seasons of the year Extremely difficult of access, to most of the Inhabitants of this Province". The petitioners also recommended "the Town of New Bern in Craven County as being in our Humble opinion more Central and Convenient than any other part of this Province for transacting the Business of the Public".<sup>46</sup>

Still, not all involved were agreed on the choice of New Bern as the capital. The Council representatives to the joint committee protested that "however fond we may be of getting the Act for fixing a seat of Government at Tower Hill repealed, We cannot agree that at this time it is necessary to address His Majesty to fix the seat of Government at any certain place more especially at the Town of New Bern". They gave four reasons why such a request should not be made at that time: North Carolina's southwestern border was still unsettled, New Bern could claim neither the best navigation nor the most central location, the town was notoriously unhealthy, and the great distance from the "back Settlement" to New Bern would inconvenience "the poor Inhabitants of those parts". It was because of these problems, they believed, "that the address was carried in the Assembly but by a small Majority,

and in the Council but by the Casting Votes of the President only, Whereas in a matter of such consequence there ought to have been if not a unanimous consent at least a large Majority of both Houses". Thus they advised the crown to "pay no regard to this address".<sup>47</sup>

Whether or not influenced by the council members' advice, the crown did just that. The December address, like its April counterpart, achieved no success. According to Davis, the assembly's agent in London informed the petitioners that the request had been "cooly re-delivered to him" because it "blended with Matter of a different Nature, which was unprecedented, and therefore could not be presented to his Majesty". Another petition would have to be sent.<sup>48</sup>

James Davis lamented this delay, asserting that it was not for the public good. Davis did not believe the offered explanation that the "Matter of a different Nature" involved in the petition refusal was simply the assembly's failure to congratulate the king in recent military victories. "And can it be supposed," he asked, "that the BEST of Kings would Refute to Settle perhaps one of the most distressed of his Provinces, only because their Address to him for that Purpose sat out with congratulating him on the Success of the War?" He feared that North Carolina had not been given "FAIR PLAY" in the delay, which was "incongruous to Justice, and baneful to Liberty". Furthermore, the

delay allowed a vacancy in the council, caused by the death of a supporter of the address, to be filled by a Cape Fear man.<sup>49</sup>

Governor Dobbs's resistance was perhaps also influential in the petition's failure. Asked by the assembly to recommend New Bern to the crown, Dobbs wrote to the Board of Trade in February 1763, that he "could not recommend it as a healthy situation, having been thrice at death's door from its low-stagnated situation & bad water, and as to its being most central, that depends upon the manner of His Majesty's fixing the Boundary Line upon S<sup>t</sup> Augustine & Florida's being added to His Majesty's Acquisitions".<sup>50</sup> Evidently Dobbs, and his supporters in the Council, were unrealistically hoping that a revision of North Carolina's southern border would make the Cape Fear region more acceptable as a capital site.

Dobbs's poor health brought the capital dispute to a governmental crisis during 1763. A serious illness early that year temporarily cost Dobbs the use of his legs and he considered returning to England. The governor had only partially recovered by spring and persisted in holding assembly meetings at Wilmington. In December, northern members refused to travel to Cape Fear; the members who did meet, though constituting a quorum, refused to conduct any business in the absence of so many of their peers. Dobbs eventually allowed the members to dissolve themselves and

then called for new elections. In his sympathetic portrayal of the governor, Desmond Clarke conceded that Dobbs's action was perhaps "harsh and arbitrary", yet states that "it is difficult to see what else he could have done under the circumstances".<sup>51</sup>

Representing the Society for Propogating the Gospel in North Carolina, James Reed described the political chaos in a December 26 letter:

[Y]esterday I received information that on the 20th there was not a sufficient number of members then arrived to make a house & that it was the current opinion there would be no session of Assembly this winter, Wilmington is not at all central, -but a remote part of the Province, where 'tis quite inconvenient for the majority of the assembly-men to attend & our Gov<sup>r</sup> is too infirm to meet them at any other place. In short the Province is in great confusion for want of the seat of government being fixed & the approaching dissolution of the Governor, presents us with a gloomy prospect, upon his decease I expect that old quarrels will be renewed[, ] old grievances repeated & the whole Province disunited & divided into the old Parties of North & South . . . .<sup>52</sup>

Dobbs was indeed rekindling the old sectional split, and in early 1764 succeeded in getting several of his desired bills passed in the absence of northern representatives.<sup>53</sup>

The unsettled and threatening political scene of August 1764 spurred James Davis to write his essay on North Carolina's capital. He concluded his article by begging representatives to attend the October assembly in Wilmington, "or perhaps while we are pleasing ourselves

with these Golden Scenes, the Great Fiat may be passed, and the Door shut against you; the Seat of Government may be Settled at Wilmington, and then, too late, we may behold the wretched State of the Province". Davis was extreme in stirring up the representatives' discontent:

And now my Countrymen, what would Some of you give, to have the Seat of Government again at Newbern? To have it in the Centre of the Province, where seldom an Assembly was held, but every Member that possibly could, gave his Attendance; and where there never was Occasion to Prorogue and Dissolve, to Dissolve and Prorogue again, before an Assembly could be got? Methinks I hear some of you break out, "O Newbern, Newbern! When shall I again tread thy Grassy Plains, and shake the Wilmingtonian Dust from my Feet! When again shall I breathe that Air, and drink of that Water, which I was once induced to believe were 'replete with pestiferous Animalculae! But enough! 'tis done; and I am doomed to give my Attendance in a sandy Desert. . . ." <sup>54</sup>

Davis' attack on Wilmington gave evidence of a development which helped control the sectional crisis of 1763-1764. The southern faction in 1746 had been composed of both Cape Fear and Neuse interests, but was now split by a New Bern/Wilmington rivalry--New Bern interests becoming "increasingly resentful over Wilmington's threatened dominance as the colony's capital".<sup>55</sup> Ekirch emphasized that Dobbs's impending departure also helped to restrain conflict. In 1764, the crown appointed William Tryon as lieutenant governor in anticipation of Dobbs's retirement in March 1765. Leading provincials quieted their conflicts

To James Davis, at least, Tryon's appointment as lieutenant governor gave hope to a settlement of the capital dispute:

And are THESE TIMES to continue? No, my Countrymen! His Majesty our most Gracious Sovereign, has said No: A King whose Ear is naturally tun'd to the charming Voice of LIBERTY; a King who has declared from the Throne the tender Concern he feels for All his People, has said No. Our Grievances have SOME HOW OR OTHER reached his Royal Ear, and he has been graciously pleased to appoint us a New Governor; under whose Administration we have the Blessed Hope of seeing the Settlement of the Country; of seeing, that a Gentleman who may reasonably be supposed divested of all Manner of Prejudice or Partiality in Favour of this or that Party, will settle in the Centre of the Country, and call the Assemblies to a P L A C E where they will meet him with Cheerfulness and Alacrity.<sup>57</sup>

Davis was undoubtedly confident that "the Centre of the Country" would prove to be his precious New Bern.

Tryon's administration would indeed, to a New Bernian's view, set things aright. After a decade of gubernatorial attempts to move the capital away from New Bern, Governor Tryon would with little hesitation establish New Bern as capital. Davis, however, was perhaps not far-sighted enough. With the rise of Tryon, he perceived the rise of New Bern; but beyond that he failed to see that approaching revolution would again upset the capital site. Still, after decades of uncertainty, North Carolina would have a colonial capital.



## NOTES FOR CHAPTER III

1. James Davis, printer, "Newbern's Remembrancer: Or, An Essay on the Seat of Government", in The North-Carolina Magazine or Universal Intelligencer, for 1764, Vol. 1, No. 12 (August 17-24): 94.
2. CR 5: 1119.
3. Ekirch, "Poor Carolina", pp. 112-113; Ashe, North Carolina, p. 284; for Dobbs's military concerns see also Desmond Calrke, Arthur Dobbs, Esquire, 1689-1765: Surveyor General of Ireland, Prospector and Governor of North Carolina (Chapel Hill: The University of North Carolina Press, 1957), pp. 108-111.
4. Davis, "Newbern's Remembrancer", p. 94; Ekirch, "Poor Carolina", pp. 114-115.
5. Ekirch, "Poor Carolina", p. 107.
6. Davis, "Newbern's Remembrancer", p. 94.
7. CR 5: 147.
8. CR 5: 215. Note that this may be one of the rare instances in colonial North Carolina records in which the term "capital" is used in lieu of "seat of government" -- yet, even here the term is used ambiguously.
9. CR 5: 573; Clarke, Arthur Dobbs, pp. 116-117.
10. CR 5: 439, 573.
11. Davis, "Newbern's Remembrancer", p. 94.
12. Quoted in Clarke, Arthur Dobbs, p. 117; Davis, "Newbern's Remembrancer", p. 94.
13. CR 5: 416-417, 485.
14. CR 5: 705, 715.
15. CR 5: 683-685, 716.
16. SR 23: 485; 25: 373; CR 5: 1021, 1028, 1031-1032, 1036.
17. Davis, "Newbern's Remembrancer", pp. 94-95.
18. CR 6: 834-835, 932-933.

19. CR 6: 1.
20. CR 6: 1-2; Clarke, Arthur Dobbs, p. 152.
21. CR 6: 2.
22. ibid.
23. For more on the treasurer controversy, see Ekirch, "Poor Carolina", pp. 121-122.
24. Ekirch, "Poor Carolina", p. 123; Ashe, North Carolina, p. 294.
25. CR 6: 2.
26. CR 6: 2; Ekirch, "Poor Carolina", p. 123.
27. CR 6: 2.
28. CR 5: 1070, as quoted in Clarke, Arthur Dobbs, p. 151.
29. Clarke, Arthur Dobbs, p. 151.
30. Arthur Dobbs to Councillor M'Aulay, as quoted in Clarke, Arthur Dobbs, p. 123.
31. CR 6: 3.
32. ibid.
33. Ekirch, "Poor Carolina", pp. 124, 148-149.
34. Davis, "Newbern's Remembrancer", p. 95.
35. Ashe, North Carolina, pp. 296-297; Ekirch, "Poor Carolina", p. 125.
36. Lefler and Newsome, North Carolina, p. 165; Lefler and Powell, Colonial North Carolina, p. 224.
37. CR 7: 726.
38. Davis, "Newbern's Remembrancer", p. 95.
39. Ekirch, "Poor Carolina", pp. 143-146; CR 6: 412.
40. Ekirch, "Poor Carolina", pp. 147-148.
41. Davis, "Newbern's Remembrancer", p. 95.

42. Alonzo Thomas Dill, Governor Tryon and His Palace (Chapel Hill: The University of North Carolina Press, 1955) p. 78.
43. Davis, "Newbern's Remembrancer", p. 95.
44. CR 6: 834-835.
45. CR 6: 927-928.
46. CR 6: 859-860, 875-878, 930, 932-934, 948-949, 958.
47. CR 6: 878, 930.
48. Davis, "Newbern's Remembrancer", p. 95.
49. ibid.
50. CR 6: 967.
51. Clarke, Arthur Dobbs, pp. 188-189, 191.
52. CR 6, 999.
53. Ekirch, "Poor Carolina", pp. 150-151.
54. Davis, "Newbern's Remembrancer", pp. 95-96.
55. Ekirch, "Poor Carolina", pp. 151-152.
56. Ekirch, "Poor Carolina", p. 151; James Davis, The North-Carolina Magazine, or Universal Intelligencer, for 1764, Vol 1., No. 10 (August 3-10): 80.
57. Davis, "Newbern's Remembrancer", pp. 95-96.

CHAPTER IV  
RESOLUTION AND REVOLUTION  
THE SEAT OF GOVERNMENT, 1764-1787

"We hear from Cape Fear", James Davis announced in his North-Carolina Magazine on August 10, 1764, "that a Lieutenant Governor of the Province is appointed at Home one Col. Tryan, an Officer in the Guards; and that he is expected out immediately. 'Tis also said, that his Excellency the Governor goes home in March next".<sup>1</sup> Governor Arthur Dobbs's impending departure and William Tryon's appointment as lieutenant governor helped calm the political agitation which had been festering in North Carolina. A. Roger Ekirch proposes that Dobbs's anticipated departure--enhanced by his unexpected death in March 1765--caused provincial leaders to cool their sectional tempers in hopes of winning the new executive's favor.<sup>2</sup> James Davis directed his newspaper article, however, toward the specific dispute over North Carolina's seat of government. Governor Gabriel Johnston had successfully dislocated the capital from Edenton after 1736. Since then varied attempts to establish a capital at Wilmington, Bath, New Bern, the Trent River, and Tower Hill had failed.

Davis hoped that the new lieutenant governor would end the thirty years of limbo. As an active and outspoken resident of New Bern, he also had a definite bias as to where Tryon should establish the capital. Davis knew though that Wilmington had eyes on the new governor as well, and said so with tongue well in cheek: "The good People of Wilmington, ever intent on the Good of the Province, and always foremost in every Scheme for its Welfare and internal Quietude, immediately. . . engaged a large House. . . for the Reception and Accomodation of the Governor on his Arrival. . . upon a Certainty that he will settle among them there."<sup>3</sup> Such Wilmingtonian hopes were probably fired by New Bern's failure to keep Governor Dobbs.

Governor Dobbs's removal of public business to Wilmington had been a blow to the commercial life of James Davis's town, but New Bern was not guiltless in its misfortune.<sup>4</sup> John Campbell of Bertie County wrote to a New Bern resident during that sad time:

The account of the dullness of your Town & buissness in it I am sorry for[,] but the unthinking People in and about it must thank themself<sup>s</sup> who drove away the Gov<sup>r</sup> & Officers. These People could not bear a little flow of money, but Grew So Proud & Insolent they will feel the reverse and now may reflect on themselves when too Late. . . .<sup>5</sup>

The commercial interests of New Bern had not only failed to provide adequate housing for the governor but also charged unusually high prices for needed goods. Likewise, in 1764,

James Davis lamented with "Terrible Horribility!" the high prices then being charged in Wilmington, where Dobbs had moved many government offices.<sup>6</sup>

By the time Tryon arrived, however, New Bern had learned its lesson. Davis proudly stated his town's case:

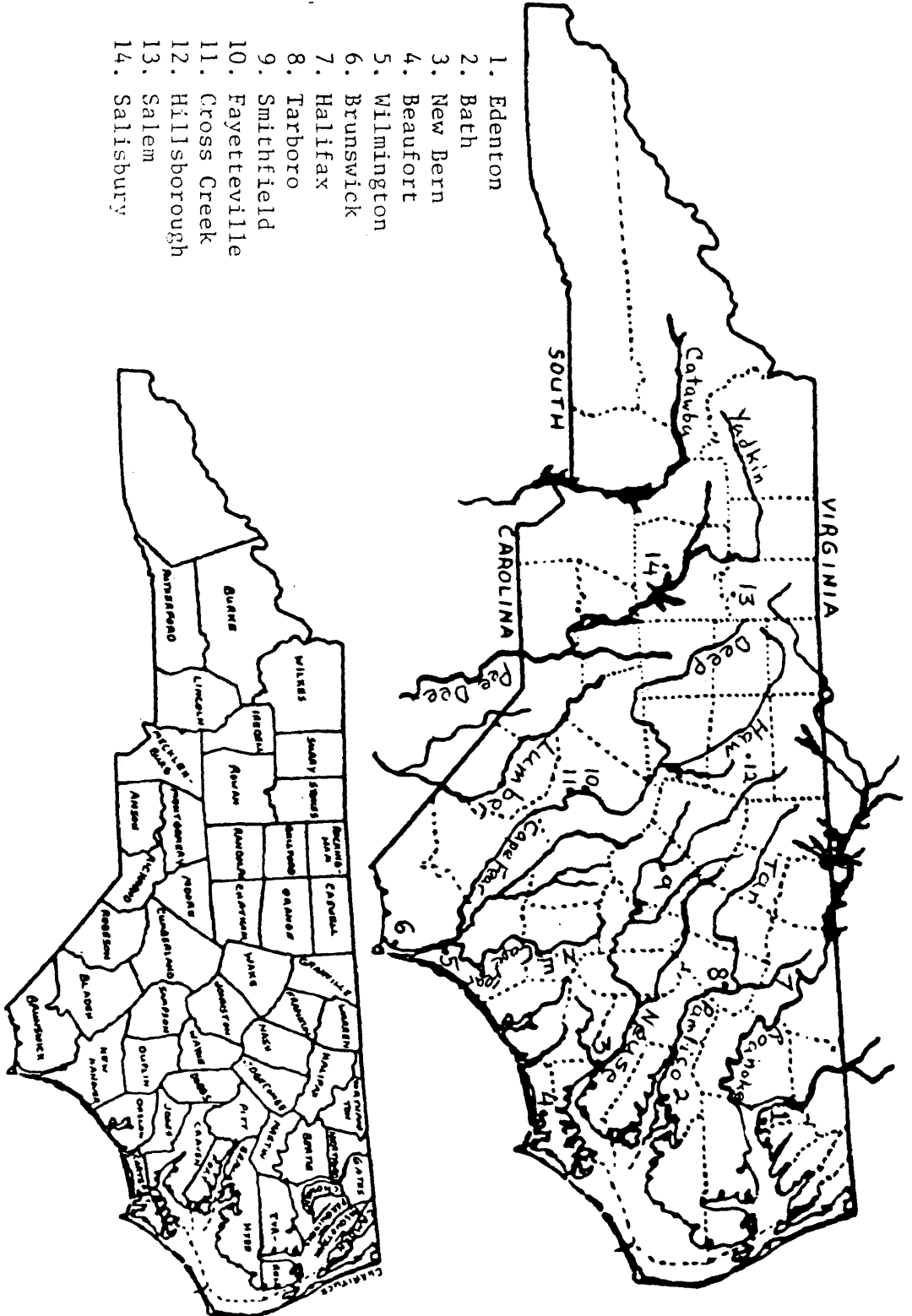
But the People of Newbern, having for their Disobediance, drank largely of the Cup of Affliction and entirely depending on the Goodness of their Cause, have engaged a large genteel House. . . for the Governor's Residence; upon a Supposition he will settle rather in the Centre of the Province, than at Cape-Fear, a Place within Fifty Miles of the South Boundary of a Province almost 300 Miles wide, and the Passage to it gloomy and dismal, through hot parching Sands, enliven'd now and then by Wire Grass Ridges and Ponds of stagnant Water.<sup>7</sup>

The New Bernians made a residence available to the new governor for only four pence per year.<sup>8</sup>

Tryon's choice certainly was not limited to these two competing towns. He might well have chosen a more western location, nearer the populous back country; in fact, some historians insist the the eastern regions united behind the choice of New Bern in fear that Tryon would name Hillsborough as the capital (see Map 2).<sup>9</sup> Such a fear may have existed, and the eventual assembly approval of Tryon's Palace in New Bern showed some degree of cooperation between eastern assemblymen, but such cooperation should not be overstated. The growing competition, economic as well as political, between New Bern and Wilmington hindered their co-operation on the capital issue. Davis's depiction

MAP 2

1. Edenton
2. Bath
3. New Bern
4. Beaufort
5. Wilmington
6. Brunswick
7. Halifax
8. Tarboro
9. Smithfield
10. Fayetteville
11. Cross Creek
12. Hillsborough
13. Salem
14. Salisbury



MAP 2: Rivers of North Carolina with various towns mentioned in the text. The county divisions of 1790 are given.

of the Wilmingtonians, though far from objective, reflected the disagreement between the leaders of the two towns as to the choice of a capital. As late as 1774, the future governor Samuel Johnston, in writing to representative Alexander Elmsly concerning conflict with "the Southern Gentlemen," asserted "the Cape Fear people can hardly find in their hearts to forgive you for fixing the Governor's House at New Bern".<sup>10</sup>

New Bern's fear that either Wilmington or Hillsborough would be chosen as the capital proved groundless. Even before Tryon officially became governor, he favored New Bern as the future capital. He wrote to Lord Adam Gordon in England: "If the Seat of Government Should ever happen to be established there [New Bern], as it probably may, from its being nearly Central, it will become a place of Note very soon, and will outvie any other Town in North Carolina".<sup>11</sup> After a two-month tour of the province, Tryon became confirmed in his conviction that the "Publick Business" of North Carolina could "be carried on nowhere with so much conveniency and advantage to far the greatest part of the Inhabitants, as at New Bern".<sup>12</sup> Joseph A. Ernst and H. Roy Merrens perceive specific commercial motives for Tryon's choice of New Bern, the location of the capital having primary significance within the context of a broad campaign for North Carolina's economic growth. In their study of urban development, Ernst and Merrens describe both



the location of the capital at New Bern and the erection of an expensive governor's palace as directed by a similar objective: "to provide not only for the easier administration of the colony but also for the creation of a great port city and marketplace in the central port of the province in the continuing drive to offset the economic advantages of Charleston."<sup>13</sup> Such an interpretation has merit, especially considering Tryon's view of New Bern as "nearly Central." The governor's conception of New Bern's centrality gave evidence of his failure to duly consider the growing back settlements--a neglect which led him to misjudge the town's centrality, its potential for growth, and popular support of his palace. A royal governor such as Tryon, however, would naturally have an eastern bias in considering geographical centrality: for him, easy access to the Atlantic, and thus to London, would outvie other considerations in choosing a capital site.

Whether or not Tryon knew upon his arrival that New Bern would be his choice for the seat of government, he certainly had plans for an elaborate capitol and governor's mansion. John Hawks, a master architect, accompanied Tryon to North Carolina, for the new governor "esteemed it very material for the credit and interest of this province that the governor should have a fixed and commodious place of residence for doing publick business."<sup>14</sup> The majority of the lower house of assembly agreed with Tryon, and in

December 1766 passed an act for the construction of a governor's mansion in New Bern funded by 5,000 in North Carolina currency. In January 1768 the lower house appropriated 10,000 more for the construction of what became known as "Tryon's Palace."<sup>15</sup> Plans for an official governor's residence resolved the quandary over the colony's seat of government, for even though the assembly made no specific mention of New Bern as capital, the palace was to serve the dual purpose of governor's residence and assembly house. The assembly assumed the capital issue to be settled in 1766, for experience had shown the great influence which gubernatorial residence had over the location of provincial government.

Another issue, perhaps not totally unrelated to that of the capital, which marked Tryon's first year as governor was North Carolina's reaction to the Stamp Act. Opposition to the tax first became evident in early May 1765. By the fall, demonstrations had occurred in Cross Creek, Edenton, New Bern, and Wilmington. Although Wilmington's first demonstration did not take place until October 19, the Lower Cape Fear experienced the most widespread and violent of the colony's stamp tax protests.<sup>16</sup> Several explanations exist for this concentration of protest in the Lower Cape Fear region. Brunswick, just downriver from Wilmington, served as the province's principal port, so the region would naturally feel the greatest effect of the proposed

tax. Both the stamp master's residence in Brunswick and Tryon's temporary residence there both influenced the degree of protest in the Wilmington area. Ekirch proposes another influence on relative degrees of protest in North Carolina. Although he emphasizes that the act was unpopular throughout the colony, Ekirch states that inhabitants of more northern towns "may have moderated their tempers because of Tryon's decision to fix the capital in New Bern, much to their delight and the anger of Cape Fear residents."<sup>17</sup> If correct, this analysis gives impetus to the possibility that Tryon's efforts at temporary compromise--living in Brunswick while holding assemblies at New Bern--did not satisfactorily assuage the Wilmingtonians. Cape Fear interests sensed that, in this instance, current gubernatorial residence would not alter Tryon's choice of New Bern as the capital site.

The actual construction of Tryon's residence in New Bern proved unpopular with segments of the populous piedmont area. The Regulators, who initially organized in Orange County in 1766 and whose influence later spread into surrounding areas, protested many aspects of perceived governmental corruption, mainly on the local level. The Regulators were frustrated at the monopoly of non-native lawyers and merchants in local government positions, and these new elites' lucrative use of exorbitant fees, which often hit the western farmers hard.<sup>18</sup> The costs of building

John Hawks's two-story brick palace with curved colonnades and outlying wings greatly exceeded provincial funds and was placed directly on the people through a poll tax and a tax on alcoholic beverages. The Regulators protested such taxation when not "'one man in twenty of the four most populous counties [Orange, Rowan, Mecklenburg, and Anson] will ever see this famous house when built (as their connections and trade do, and ever will more naturally center in South Carolina) '".<sup>19</sup> Ekirch asserts that the Regulators not only resented to cost of the building, but also saw it symbolic of the corruption which they increasingly viewed as widespread and "as evidence of courtly intrigue involving Tryon himself."<sup>20</sup> It is important to remember, in the context of North Carolina's long struggle over the capital's location, that the Regulators did not protest the choice of New Bern as the seat of government. There may have been some resentment over such an eastern capital, but it was not voiced. After all, in the Regulators' eyes, New Bern was a better site than Wilmington, and Hillsborough simply had not been in the running for capital to the degree it would be by the 1780's. Rather, the Regulators protested paying for what they considered an unnecessarily expensive building located far from their homes.

Despite western protest, the palace was completed in 1770 and Governor Tryon moved from Brunswick to New Bern in

early June.<sup>21</sup> Almost a year later, militiamen led by Tryon defeated the Regulators at the Battle of Alamance. Military defeat did not greatly reduce backcountry resentment against the governor's palace; neither did the location of the capital--so long hotly disputed--suddenly become a benign issue. In September 1771 a subscriber to the Virginia Gazette, calling himself "Phocion", felt it necessary to defend both the legitimacy of the capital and Tryon's impartiality:

The Design of building a Palace for the Governor was schemed by some Gentleman of the Assembly, who proposed by this Means, to fix the Seat of Government in a Town convenient for the whole Province; as many Members were often greatly incommoded, by the Necessity [of going] from one extreme Part of the Province to another. This I am authoritatively assured, was the original Cause of the Erection of the Palace; and I assert it was formed by Gentlemen who were not officially dependent on the Governour, and were not, many of them, personal Friends to him. . . .<sup>22</sup>

Phocion may not have realized that Tryon arrived in North Carolina with architect in hand. In writing about the palace to the Earl of Shelburne, Tryon confided that John Hawks "came with me out of England to superintend this work in all its branches".<sup>23</sup> Phocion, however, was correct in implying that the governor could not have succeeded in his plans for an official seat of government or governor's residence without the assembly's cooperation. Regardless of the governor's motives, resentment of the capital would

die hard for some, as evidenced again by Samuel Johnston's words of 1774, "the Cape Fear people can hardly find in their hearts to forgive you for gixing the Governor's House at New Bern".<sup>24</sup>

As of 1765, North Carolina finally had a permanent seat of government--the first official one since Edenton of the 1730's--and even had a permanent building for the legislature as of 1770. With the outbreak of the Revolution and the growing population of the western areas, however, the new state legislatures would succeed in stripping New Bern of its status as a capital in much the same way Gabriel Johnston maneuvered the government away from Edenton. Important differences did exist between the two dislocations--differences partly caused by the meaning of the Revolution and partly by new sectional tensions.

In 1771, a victorious Governor Tryon was grateful to be replaced by Josiah Martin. Martin, a strong supporter of royal prerogative, would soon face the crisis of a greater rebellion than his predecessor had encountered. At first the Revolution portended no threat to New Bern's status as capital. When in 1774 Martin refused to summon the legislature in time to elect delegates to the First Continental Congress, the resulting Provincial Congress met at New Bern, to choose delegates and establish a non-importation policy in reaction to the Tea Act of 1773. In April 1775 the assembly and the Second Provincial Congress-

-almost identical in memberships--both met in New Bern a day apart. Governor Martin dissolved this last fruitless assembly on 8 April. By 31 May he had taken refuge on a British man-of-war upon the threat of an attack by the Wilmington and New Hanover committees of safety.<sup>25</sup> Royal government in North Carolina had collapsed.

The first hint of New Bern's fate came in August 1775, when the third Provincial Congress met at Hillsborough. The Hillsborough Provincial Congress--the first body claiming authority for North Carolina to meet outside of New Bern since 1765--set up a provisional government and made plans for war. The following three state legislatures did meet in New Bern, but in August 1778 the legislature met in Hillsborough, unknowingly inaugurating a new period of itinerant government that would last until 1794, when the assembly would meet in the new capital of Raleigh. During the interim, the government would visit not only Hillsborough and New Bern, but also Halifax, Smithfield, Wake County, and Tarboro. The itineracy of Governor Gabriel Johnston's day had developed due to the growing population of the Cape Fear region--a region in which Johnston, the man who called the assembly meetings, claimed residency. In the 1770's, the growing population of the western counties, which were continually playing "catch-up" in assembly representation, gradually came to have a greater voice in legislature. After 1775, the legislature

itself could determine where it would meet, so demand for sites more central than New Bern grew until the old capital city yielded to Hillsboro, Halifax, and Smithfield. Without a royal governor to name the place to meet, however, itinerant government under Governor Richard Caswell and his successors took on a new dimension of instability as the assemblymen debated locations. The debates caused problems, for example, the standoff between Fayetteville and New Bern in 1790.<sup>26</sup> Debates on meeting places also resulted in the lack of a quorum when western legislators won meetings as far west as Salem.<sup>27</sup>

Influences other than westerly growth also affected New Bern's status as the seat of government and the state's new era of governmental itineracy. A 1779 smallpox epidemic prevented the scheduled spring general assembly session from meeting in New Bern. Governor Richard Caswell, powerless to call the assembly "to any other place than that to which the same stood adjourned," requested that the body meet at Johnston Court House (later Smithfield).<sup>28</sup> The governor's correspondence that year stressed a military threat to New Bern and eastern North Carolina which helped diminish the town's usefulness as a governmental center. In explaining why North Carolina militia would probably not be sent south, Caswell described the situation in May:

I think you need not look for any more Militia from this State, as the enemy, about 3,000, have actually invaded Virginia, taken possession of the Fort at Portsmouth, burnt Suffolk, and threaten Edenton, New Bern and Wilmington, with every other



part of the State to which they can get access, with destruction and desolation, which seems in some measure probable, as they have three or four Row Gallies, calculated to go up our Sounds by their small draft of water.<sup>29</sup>

In considering this threat, Caswell commanded the public provisions at New Bern, "insecure from the ravages of the enemy," to be moved inland.<sup>30</sup> If public provisions needed to be moved upriver, state government would likely be safer there, too. Smallpox and the military threat worked together to make New Bern an unattractive place for assembly meetings. Colonel Sam Jarvis wrote to the governor from New Bern in June 1779: "Your Excellency will please Excuse Bad writing, as I am much alarmed at the disorder in town."<sup>31</sup>

New Bern's dislocation as capital was achieved through renewed governmental itineracy, fed by the capital's health problems and military threat. Official sanction of this dislocation, however, needed the establishment of a state capital. During and after the Revolution, the debates over temporary meeting places for the assembly paled in comparison to the struggle for a permanent capital. The struggle officially began on 6 December, 1777, when a bill "for fixing the seat of Government in this State and for appointing and empowering Commissioners for purchasing lots of land where to erect the public buildings necessary for that purpose" was presented in the senate.<sup>32</sup> The bill did not stipulate where this new capital might be located

and was quickly defeated in the house of commons.<sup>33</sup>

In February 1779 the struggle resumed, as a representative in the house of commons introduced a bill "to Establish the seat of Government...for erecting public buildings and providing proper offices for the public officers." Although the bill passed in both houses upon its first reading, it was then rejected in the house of commons.<sup>34</sup> The February debate reappeared in May, when house and senate concurred in appointing a commission to look for a capital site. The senate speaker explained this rejection of itineracy and the call for a permanent capital:

Whereas, the holding the General Assembly of this State, and the Offices incident thereto, at some certain fixed place, at or near the centre thereof, would save a considerable Expense to the public and tend much to the Ease and advantage of the Inhabitants in other Respects as well as for the preservation of the public Records,

Resolved, therefore, that two Commissioners from each District be appointed by the Present Assembly. . .

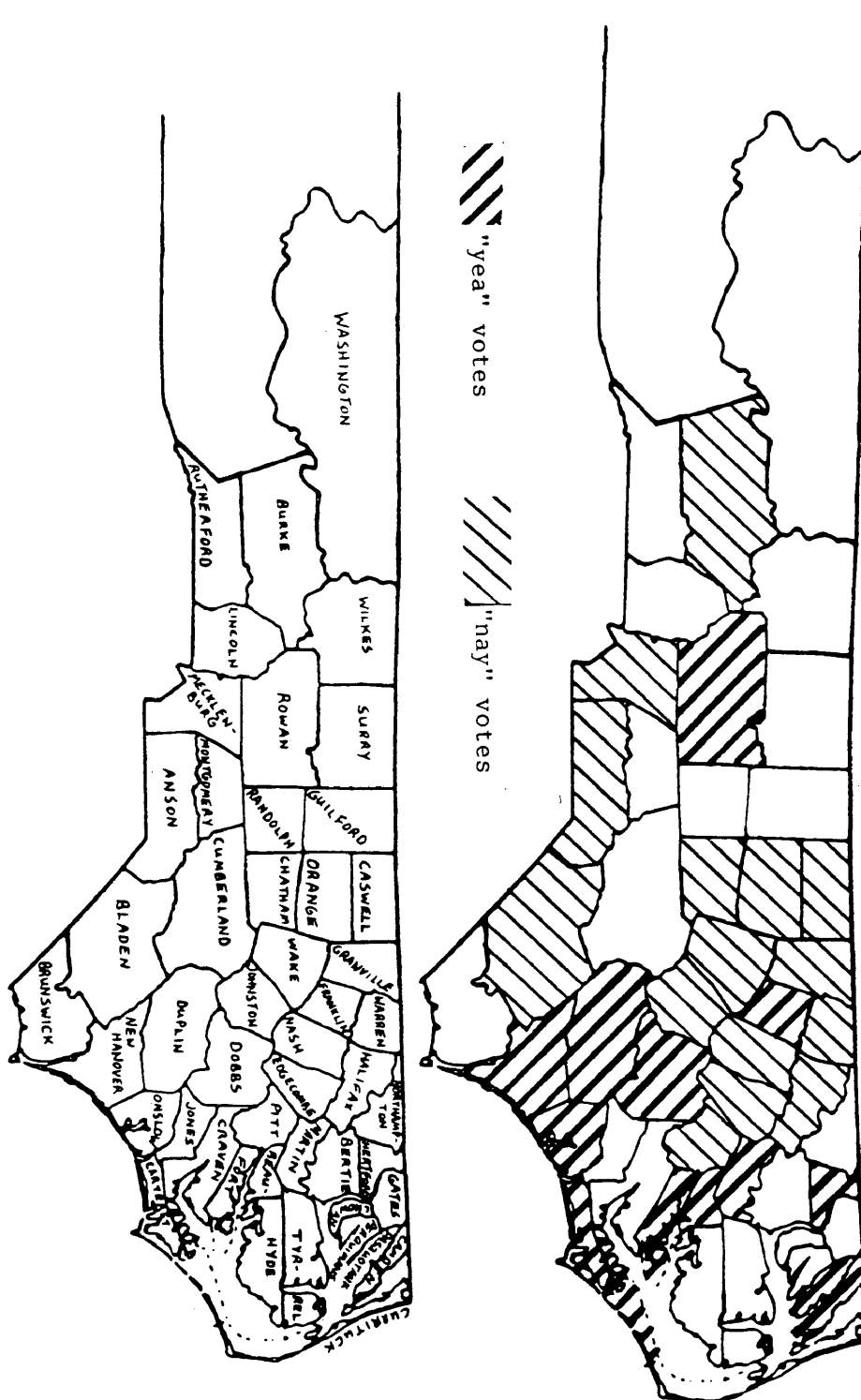
And that a majority of them view and fix upon some place in each of the Counties of Johnston, Wake & Chatham, for holding the General Assembly, the most commodious, convenient and agreeable to the persons who may be drawn thither by attending on the public Business, and that they return a fair plan of each place with a Description of the natural advantages and report the same to the next Assembly.<sup>35</sup>

Whereas the February capital bill had no geographical stipulation, the May debate revolved around a site choice for a permanent capital, convenient to the citizens of North Carolina and with good natural endowments, echoing the desires of colonial assemblymen, royal governors, and

Lords Proprietors. In 1779, however, "at or near the centre" meant not only a balance of north and south, but also a recognition of the growing west; and so, the advocates of this bill restricted the capital site to the counties of Johnston, Wake, and Chatham. While an eastern bias may still be seen in this concept of centrality, the bill proposed a relatively judicious central location compared to Tryon's view of New Bern as "being nearly Central."<sup>36</sup> Still, the geographical designation provoked debate in the senate. Thomas Respass, Jr., of Beaufort County "moved that the Words 'or any other place' be added" after the designation of the three counties.<sup>37</sup> The senate rejected this proposal in a close vote--fifteen to twelve. The commissioners to choose a site were scheduled to meet "on or about" 25 September at Wake County Courthouse, receiving five pounds per diem for their services, and to report their decision to the October assembly.<sup>38</sup>

Two points should be made about the assembly's May action. First, the assembly neither bound itself to the commissioners' site choice nor to the act of establishing a permanent capital--it only appointed commissioners to choose a capital site. The non-committal nature of this bill would become obvious in the assembly's actions of October 1779. Secondly, a hint of sectionalism appeared in the vote (see Map 3). With the exception of Rowan, Franklin, and Pitt Counties, eastern representatives tended to approve of

MAP 3



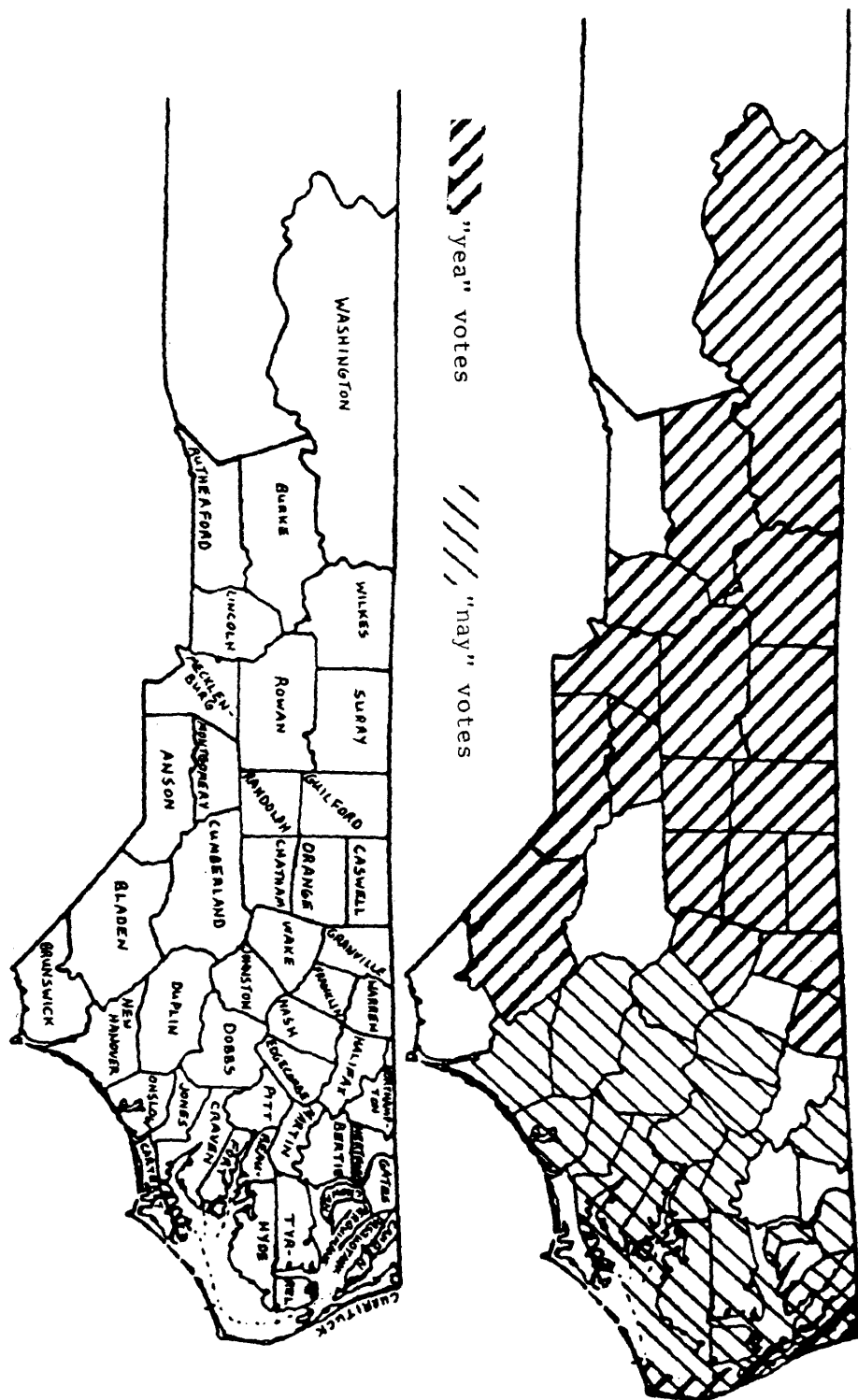
MAP 3: Senate vote of 6 May 1779 "that the Words 'or any other place' be added after the Words 'in the Counties of Johnston, Wake & Chatham'" (SR 13: 753). All votes were geographically identifiable. Twenty counties did not participate in this vote. The senate defeated this measure fifteen to twelve.

expanding the capital site search area, while the more western regions tended to reject the removal of geographical limitation.<sup>39</sup> With only 27 of the 47 counties voting, however, any geographic interpretation would be inconclusive. The geographical implications of the capital issue, however, would become strikingly obvious in the fall assembly.

When the assembly met that October, Benjamin Seawell, senator from Franklin County, presented a bill "to establish the Seat of Government" that proved the May actions far from conclusive.<sup>40</sup> The house of commons defeated this new bill by two votes. The requested role-call vote demonstrated that the issue of establishing a permanent capital divided the counties along distinct geographical lines (see Map 4). The counties voting against the bill were all in the eastern part of the state. Those voting for the establishment of a capital--with the exceptions of Currituck and Bladen--lay further inland.<sup>41</sup>

North Carolina's long tradition of itinerent government may have been influential in the eastern counties' resistance to establishing a new state capital in 1779. Itinirent government may have seemed somewhat normal to established easterners whose only experience with a permanent capital occurred in the decade after 1765. New settlers to the back settlements, many migrating from colonies to the north, may have been anxious about such

MAP 4



MAP 4: House of commons vote of 29 October 1779 that the "Bill to establish the seat of Government" should pass (SR 13: 966). Fifty-seven out of fifty-eight votes were geographically identifiable. The house defeated this bill thirty to twenty-eight.

governmental flux. Also, the military threat to eastern North Carolina made eastern capital sites unattractive, and perhaps caused eastern representatives to be cautious about establishing the seat of government just yet. Such theories make Bladen and Currituck's votes especially intriguing. Were they both exceptions, or did Bladen perhaps represent the geographical front of an ideological trend? Fortunately, much more significant role call votes occurred later which would give clearer pictures of sectionalism in the capital issue.

Between the capital bill's defeat in October 1779 and the passage of a similar bill in the spring of 1782, much could have happened toward the establishment of a seat of government. Lefler and Powell claim that:

[i]n 1781, Hillsborough was chosen as the site, but there was much opposition to this decision, especially after Governor Thomas Burke was taken prisoner by the Tories of that town. In a political trade by which Alexander Martin was elected governor, the law was repealed in 1782. . . .<sup>42</sup>

Had an act establishing Hillsborough as capital been repealed in such a political trade, the political dealing would hearken back to the use of the capital issue in the administrations of Johnston and Dobbs. Unfortunately, the State Records of North Carolina are silent as to any such legislation in 1781 or repeal in 1782. Francis Nash, in Hillsboro: Colonial and Revolutionary, makes no mention of the town being chosen as a capital site in 1781 or of the

repeal of any such act.<sup>43</sup> Likewise, Hugh F. Rankin, in his article on "Orange County in the Era of the American Revolution" makes no mention of such actions.<sup>44</sup>

Although direct evidence for Lefler and Powell's propositions cannot be presented here, the context of North Carolina's situation in 1781 can be examined. New Bern was still considered insecure in the face of the British threat. Military and administrative correspondance during 1781 demonstrates the North Carolina's leaders considered inland areas generally more secure than coastal regions.<sup>45</sup> This situation would serve a cozy context to Lefler and Powell's claim that the inland site of Hillsborough was made a capital during that year. Hillsborough, however, had problems of its own which made it an unattractive choice. The correspondance of General Sumner demonstrates that rumors existed of an enemy presence in the town. "The Enemy's van guard," he wrote in February, " is in Hillsborough."<sup>46</sup>

Not everyone shared his concern, however; in that same month another military officer wrote that the "News Consarning the British at Hilsboro I am perswaided is false."<sup>47</sup> Yet in April Sumner wrote of the "distressed condition" of Hillsborough and in May mentioned that smallpox was raging in the town.<sup>48</sup> Hillsborough was not a prime capital site in 1781 even if it lay inland. In all fairness, however, Lefler and Powell did state that the act



choosing the town as a seat of government was unpopular.

The second part of Lefler and Powell's proposition--that in 1782 the assembly repealed legislation which named Hillsborough the seat of government--is more problematic. In 1782 the legislature concerned itself with passing--not repealing--a capital measure. On 25 April 1782 the house and senate appointed a joint committee "to prepare and bring in a bill for appointing a place at which the General Assembly hereafter shall be held."<sup>49</sup> Abner Nash, representative from Jones County, introduced the "Bill for appointing a place for the future meetings of the General Assembly" in the house of commons, and both houses had passed the bill the necessary three times by 8 May 1782.<sup>50</sup> The assembly passed rather than repealed an act to establish the seat of government in 1782.

Hillsborough did play a prominent role in the 1782 assembly, but not in the manner which Lefler and Powell have suggested. Rather than repealing Hillsborough as a capital site, the assembly voted to hold the next assembly session at that town, and even "enacted that the further General Assemblies shall be continued there until a proper place shall be chosen for a Seat of Government."<sup>51</sup> Not yet ready to agree on a permanent capital site, the assembly desired to at least end the inconveniences of itinerent government by appointing Hillsborough as an official temporary site. That same year the assembly legislated to repair

Hillsborough's public buildings, finding the immediate renovation "necessary for the conveniency of transacting public business."<sup>52</sup> In 1782, Hillsborough's "public business" was not seen as merely local.

The act naming Hillsborough as a temporary meeting site is significant, for in it the assembly verbalized special concerns of the capital issue in a state at war. The "Act for appointing a place for the Future Meetings of the General Assembly" stipulated:

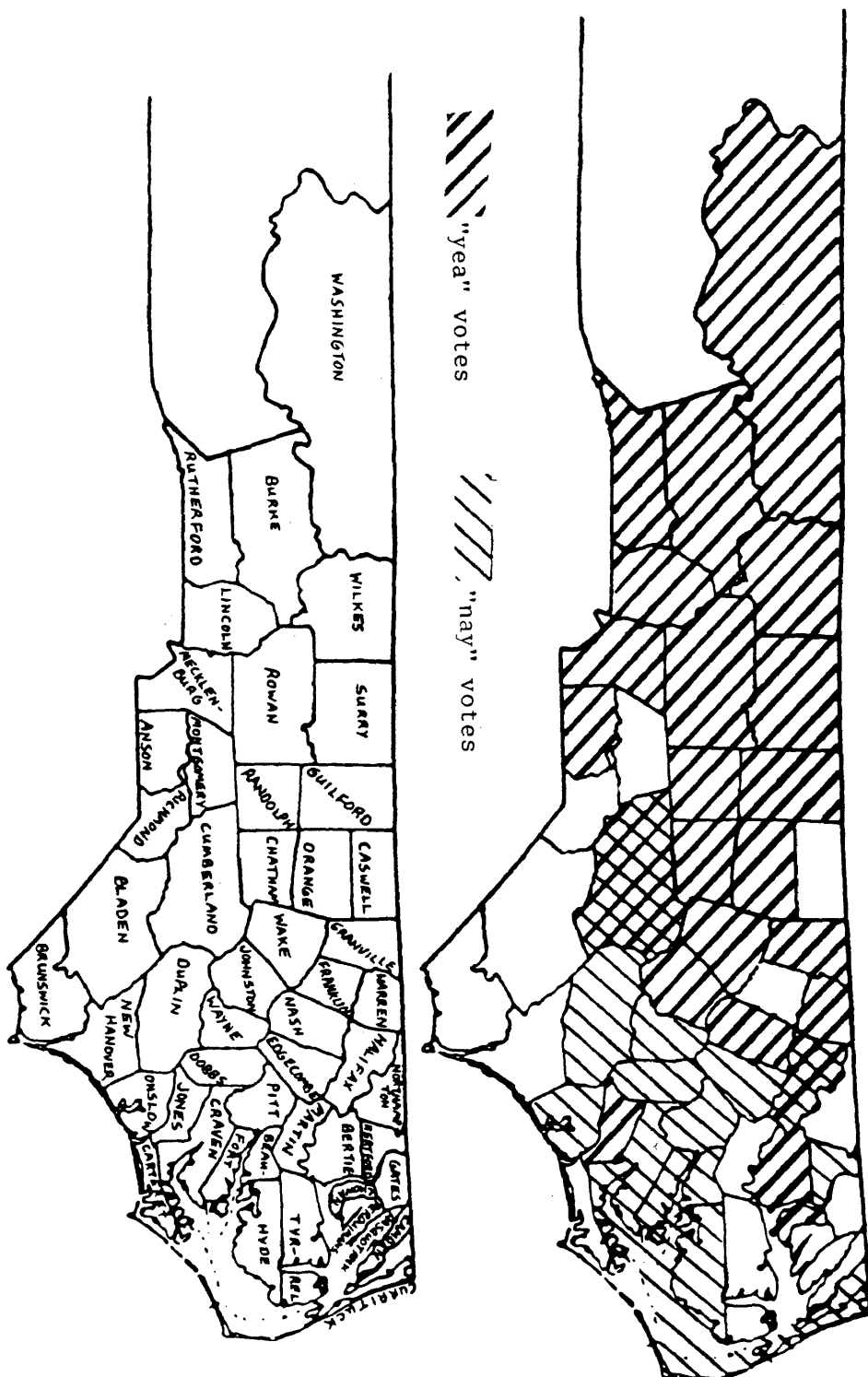
- I. Whereas it is found by experience that great and manifest inconveniences have arisen to the public, and are daily increasing for want of having a proper place fixed on for holding the General Assembly;
- II. Be it therefore Enacted by the General Assembly of the State of North Carolina. . . That from and after the present session of Assembly, and until a proper place shall be fixed on for a seat of government by legislative authority, the future General Assemblies of this State shall be held at the town of Hillsborough.<sup>53</sup>

The act added that should the assembly "have good cause to apprehend their session is in danger of being interrupted by the enemy, they may adjourn to any other place of greater safety."<sup>54</sup> Remembering not only enemy threat but also smallpox epidemics, the act gave the governor authority, under advice of council, to convene the assembly "to such other place as he shall judge most proper and convenient" should Hillsborough "by chance of war fall into hands of the enemy, or be in imminent danger of falling into their hands,

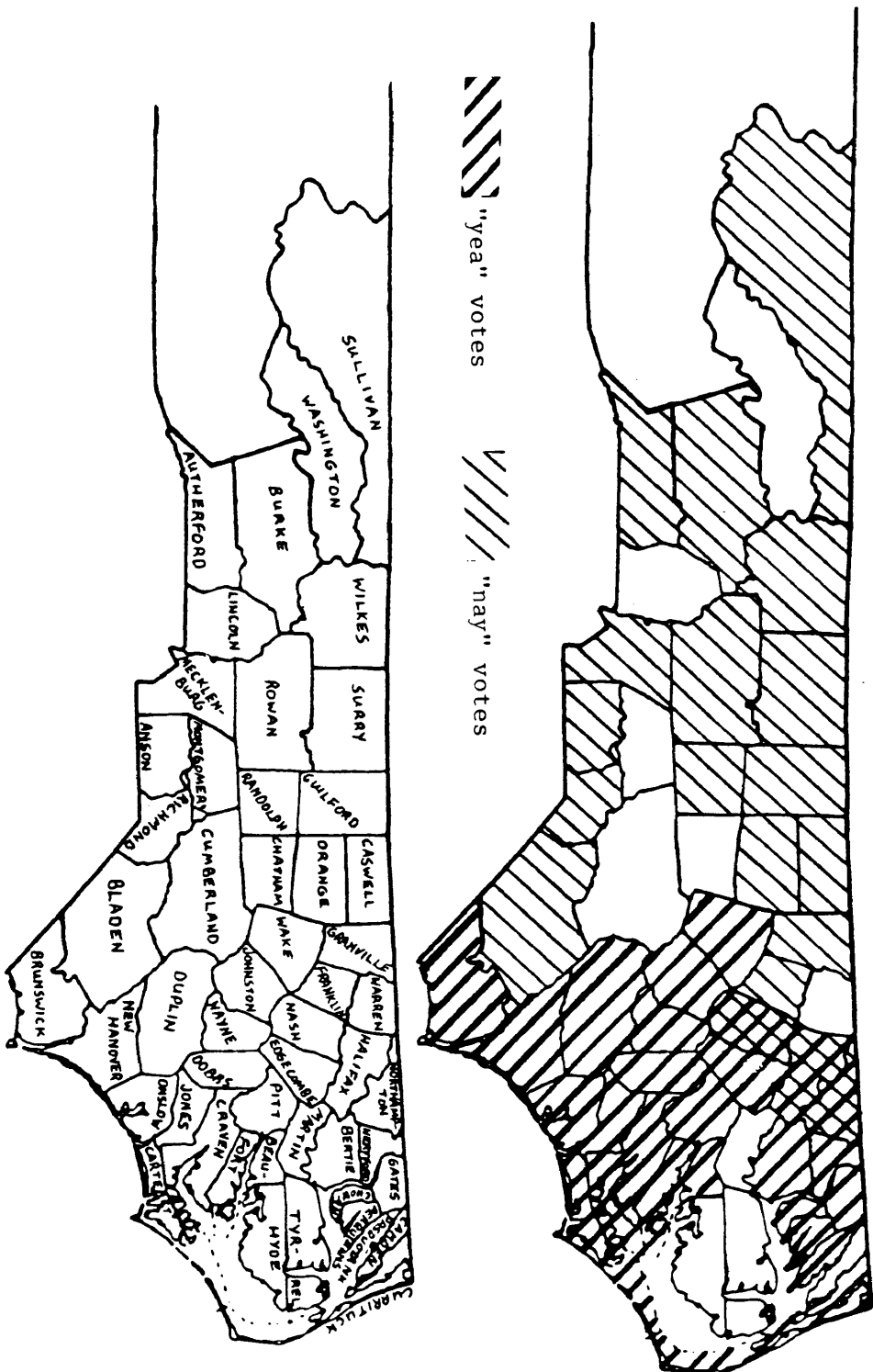
or in case any contagious disease should prevail in such a place at the time appointed for the meeting of the General Assembly."<sup>55</sup>

Whether or not Hillsborough was ever designated the official seat of government, Lefler and Powell, in claiming such an act was repealed within a year, hit upon a basic fact of North Carolina's capital issue. Until Raleigh was established in the 1790's, no capital decision ever lasted very long--except perhaps the passive decision for inaction. Hillsborough's position as a temporary meeting place lasted only until 1784, when the assembly voted to convene in New Bern. Even as early as May 1783 other towns had been considered for assembly meeting sites. The act for appointing a permanent capital site, passed in May 1782, had just as short a lifespan. By 10 May 1783 "a bill for repealing an act entitled an act for appointing a place for the future meetings of the General Assembly" became law.<sup>56</sup> The repeal passed its final vote in the house of commons by only one representative.<sup>57</sup> A comparison of this role-call vote for repeal to the house vote which passed the 1782 act demonstrates a sectional firming in the capital issue (see Maps 5 and 6).<sup>58</sup> In 1782, an east-west antagonism surfaced in the vote, though many exceptions to this trend appeared among the eastern representatives. Bertie, Chowan, and Jones Counties voted yea while many of their eastern neighbors opposed the bill. Unfortunately, eleven of the

MAP 5



MAP 6



MAP 6: House of commons vote of 10 May 1783 that "the Bill for repealing an Act intituled an act for appointing a place for the future meetings of the General Assembly" be passed (SR 19: 334). All of the votes were geographically identifiable. Nine counties did not participate in this vote. The house passed this repeal thirty-one to thirty.

eastern counties did not vote or had unidentifiable votes, thus minimizing the significance of any geographical trend. The inability to determine how Brunswick, New Hanover, and Bladen Counties would have voted precludes any indication of how Cape Fear interests stood on the issue.

All votes are identified in the 1783 repeal vote and demonstrate a strengthened sectional trend. Only four eastern counties failed to vote, and those that did--with the exception of Bladen--voted for repeal. Northampton, Halifax, and Nash Counties had conflicting votes from their representatives, but they were on the border of the emerging sectional blocks. Bertie, Chowan, and Jones fell in line with their eastern neighbors, but, surprisingly, so did Wake and Johnston.<sup>59</sup> Perhaps the representatives of these two counties--counties which had been considered as capital sites in 1779--sided with their eastern colleagues in hopes of postponing any decision on the capital until Hillsboro no longer seemed a probable choice.

Comparing these two votes to Maps 3 and 4 suggests some conclusions as to the counties' roles in the surfacing sectionalism. Bladen County, though close to the coast, consistently voted with the more western counties. Its neighbors, New Hanover and Duplin, however, consistently voted with the eastern counties, thus drawing the southeastern sectional line close to the coast. The comparison also indicates that Wake's alliance with the

east in 1783 was perhaps just an aberration. The counties which showed a trend of inconsistency--Johnston, Nash, Franklin, Halifax--demonstrate that the edge of sectionalism was unclear north of Duplin County.

A danger exists in viewing the outcome of capital bills in North Carolina as clear demonstrations of the popularity of establishing a seat of government. The recurrent questions and close votes prove the capital issue to be an ongoing debate. Former governor Richard Caswell wrote to his son William in May 1783 about the "Bill to repeal the Hillsboro' Act for fixing the Seat of Government."<sup>60</sup> What he called the "Hillsboro' Act" was not the act establishing that town as a temporary meeting site, but the act establishing a permanent seat of government--passed at Hillsborough--without regard to a specific site. In his letter, Caswell strikingly added:

& tomorrow 'tis said a Bill will be introduced for Building Public offices & directing public officers to reside there, this is to fix the seat of Government when the Buildings are erected. Wake & X Creek are talked of. X Creek & Newbern will be in dispute for the next meeting of Assembly.<sup>61</sup>

While the assembly repealed an act establishing the seat of government, forces in the assembly for establishing a capital were very much in play. No new action toward a capital passed again, however, until 1788.

Despite lack of definitive action in 1784, the capital issue attracted much debate. Richard Caswell wrote in

April 1784 that there was "Much talk about the seat of Government, I believe if its Attempted Fayetteville, Tarboro & this place [Hillsborough] will be in nomination."<sup>62</sup> In May he wrote to his son that

New modes of Courts, Court Laws & Judges are much talked of as well as fixing the Seat of Government. Tarboro' & Fayetteville seem, at present, to have the advantage & will be opposed to each other.<sup>63</sup>

Later that month, the senate proposed that "the General Assembly ballot immediately for the place where the seat of Government shall be fixed."<sup>64</sup> The senate nominated Tarboro, Fayetteville, Smithfield, and "the plantation of Mr. John Abernathie in Wake County" as possible capital sites.<sup>65</sup> The house agreed to ballot for a site choice, but none of the places nominated won a majority in both houses, so the assembly postponed the capital issue "until a later day."<sup>66</sup>

Richard Caswell described this situation to his son, William. After writing of the close contest between Hillsborough and New Bern for the next assembly site (New Bern was to win), he then explained:

much has been done towards fixing the Seat of Government but a few Neuse Men have hitherto put a Stop to it. Tarboro was within three of a Majority one in three Times Voting. Fayetteville was in Competition. We had for Smithfield in the Course of the Three times polling 18, 13 & 17 which effectually has yet stopped their farther progress, Indeed I do not know if it will be again attempted.<sup>67</sup>

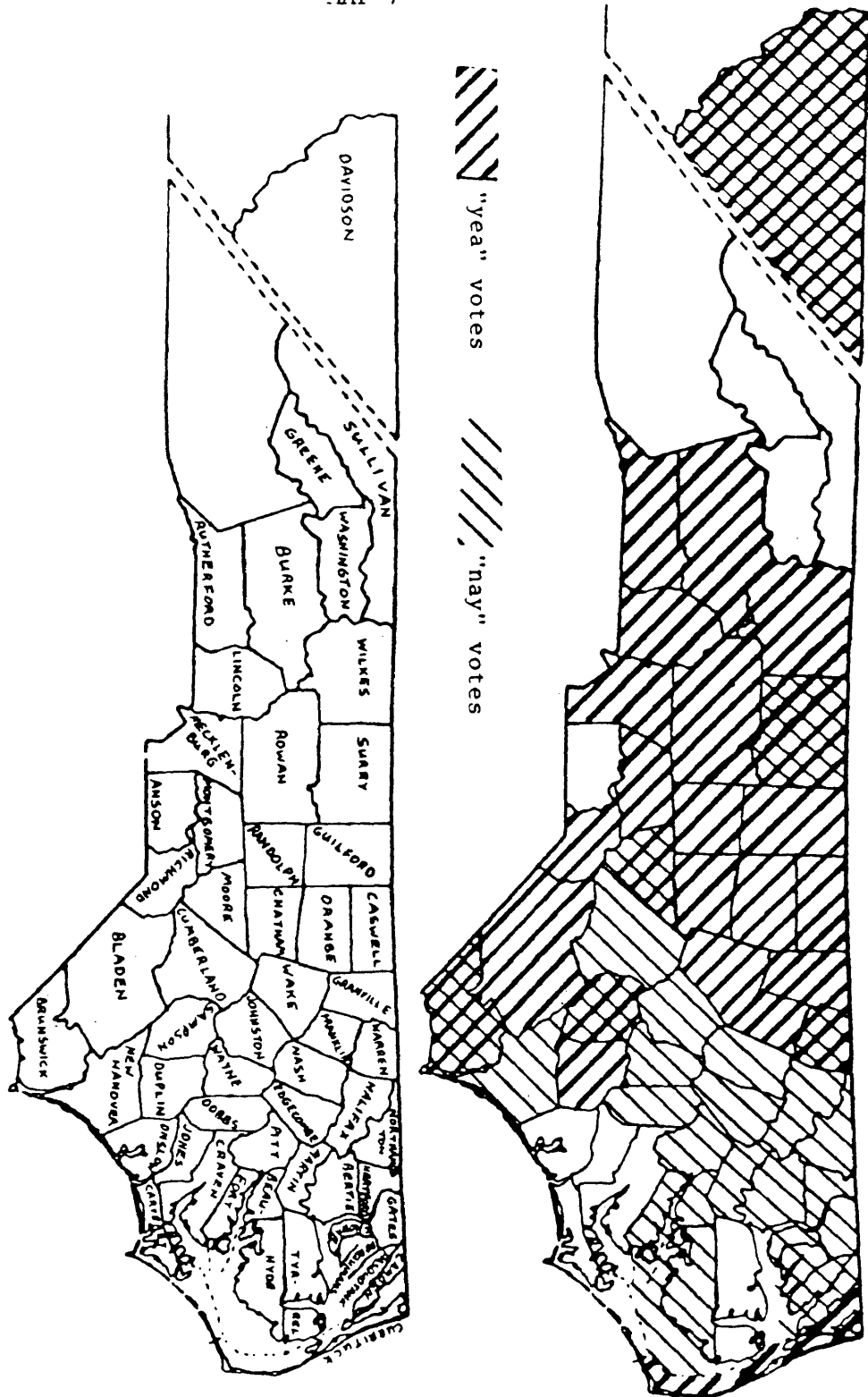
Caswell blamed "a few Neuse Men" for the general assembly's failure to establish a capital. On one level his remark was



too simplistic: other areas besides the Neuse River region voted against capital bills. Why Caswell had this perception, however, deserves explanation. Who were Neuse men? The counties actually touched by the Neuse River were Carteret, Craven, Dobbs, Wayne, Johnston, Wake, and--at the river's source--Orange. Neuse tributaries touched Jones, Pitt, Edgecombe, Nash, and Franklin Counties. In the three role-call votes on whether or not to establish a capital (Maps 4-6), Johnston, Wake, Orange, Jones, and Nash Counties were not consistently allied with other eastern counties in opposition to capital measures. In the house vote of 10 May 1783, however, the counties touching the Neuse--with the exception of Orange--all joined to favor repeal of the capital act. Of the total Neuse River system, only Nash, Franklin, and Orange Counties opposed repeal. Perhaps a coalition of Neuse representatives were the driving force in the push for repeal, and perhaps in 1784--even more speculative, as there was no role-call vote--Neuse men worked against a majority vote in balloting for a capital site. Sites within the Neuse region, however, were nominated for the balloting. Caswell may have meant that Neuse men defeated any majority decision by competing among themselves and with others.

A role-call vote on the capital issue does exist for December 1785, over a year after Caswell's comment on the "Neuse men." The house of commons rejected a "Bill for

MAP 7



MAP 7: House of commons vote of 16 December 1785 on whether "a Bill for keeping the principal offices of State in the Town of Hillsborough" should pass (SR 17: 354-355). All of the votes were geographically identifiable. Nine counties did not participate in this vote. The house defeated this bill forty-one to thirty-seven.

keeping the principal offices of State in the Town of Hillsborough" upon its first reading by a close vote (41 to 37).<sup>68</sup> A geographical analysis of this vote (see Map 7) shows many exceptions to the sectional trend that had developed. While Currituck County voted opposite its eastern neighbors, Davidson and Surry cast votes opposing the Hillsborough seat of government. More significant developments occurred in the southern half of the state. While Bladen and New Hanover stood with their previous positions of siding with west and east respectively, the other counties of the Cape Fear Valley demonstrated mixed views on the bill. Most striking were the votes of Duplin and Sampson in support of the bill, for the parent county of Duplin had consistently sided with the eastern counties in the past.<sup>69</sup> Through the 1785 vote significance can be seen in Richard Caswell's label "Neuse men". He chose a major river for his label--a river economically rivaled by the Cape Fear River to the south. The counties of the Cape Fear system (Brunswick, New Hanover, Bladen, Duplin, Sampson, Cumberland, Moore, Chatham, Randolph, Orange, and Guilford), taken together, began showing flux on the capital issue while counties in the northeast had become more unified in opposition to the west. A break between northeast and southeast was formalizing. In the last half of the 1780's, this difference would dramatically gel to present a state clearly divided on the capital issue along

the lines of two river systems.

The 1785 vote also demonstrated the beginning of a quite different trend in the geographical sectionalism of the capital issue. For the first time, a far-western county--Davidson--cast a vote in alliance with the northeastern sector, opposing state offices at Hillsborough. This was no fluke, for votes in the far west continued to conform with the northeastern faction. Representatives in these western counties demonstrated, in a "Petition of the Inhabitants of the Western Country," special concerns about the capital issue. The petition, written in December 1787, defended the westerners' desire for a separate state government. One defense concerned the remoteness of the North Carolina seat of government (such as it was):

We earnestly request that an impartial view of our remoteness might be taken into consideration. The great inconveniency attending your seat of Government, and also the great difficulty in ruling well & giving protection to so remote a people. To say nothing of the almost impassable mountains, which renders it impracticable for us to furnish ourselves with a bare load of the necessaries of life, except we in the first instance travel from one to two hundred & more miles through some other State 'ere we can reach your government.<sup>70</sup>

Debates over such sites as Cross Creek, Tarboro, Hillsborough, Smithfield, and Wake County did not offer these western residents much hope of a convenient seat of government. It is thus understandable that the far-western representatives had a more ambivalent view of the capital

issue than did the representatives east of the mountains.

The year of this western petition--1787--was again marked by defeated actions toward establishing a seat of government. In January the house of commons rejected a "Resolve. . . declaring the offices of the Treasurer, Comptroller and Secretary shall be kept at Hillsborough" on the grounds of "useless expense."<sup>71</sup> A December attempt at fixing the residence of the officers of Government, & the place for the meeting of the future General Assemblies" was "ordered to lie over until the next Assembly."<sup>72</sup>

North Carolina did not see any more definite action toward the establishment of a capital until the meeting of the North Carolina convention at Hillsborough during the summer of 1788. The state government had weathered the Revolution without a seat, and was to continue functioning without a capital for several more years. By 1788, enemy threat was long behind the leaders of this state, yet their government continued itinerantly, their debates about a site persisted, and their feet drug on the capital issue as ever before. The convention of 1788, however, would show a significant turn of events in the debate despite firming of the already-emerging sectional lines.

## NOTES ON CHAPTER IV

1. James Davis, printer, The North-Carolina Magazine; or Universal Intelligencer for 1764, Vol. 1, No. 10 (August 3-10): 80.
2. Ekirch, "Poor Carolina", p. 151.
3. Davis, North-Carolina Magazine, Vol. 1, No. 10: 80.
4. See Dill, "New Bern", part 5: "The Political and Commercial Rise of New Bern", North Carolina Historical Review 23 (January 1946): 77-78.
5. CR 6: 580.
6. Davis, North-Carolina Magazine, Vol. I, No. 10: 80.
7. ibid.
8. Dill, "New Bern", part 5: 78.
9. Dill, Tryon and his Palace, p. 78; Lefler and Newsome, North Carolina, p. 165; Lefler and Powell, Colonial North Carolina, p. 224.
10. CR 9: 1071; see Ekirch, "Poor Carolina", pp. 163-164 for Cape Fear opposition to funding of Tryon's Palace. Ekirch believes this opposition may well indicate Southerners' continued animosity over the capital's location at New Bern.
11. William Tryon to Lord Adam Gordon, 1765, quoted in Dill, "New Bern", part 5: 47.
12. CR 6: 1320.
13. Joseph A. Ernst and Harry Roy Merrens, "'Camden's Turrets Pierce the Skies': The Urban Process in the Southern Colonies during the Eighteenth Century", William and Mary Quarterly (3rd series) 30 (October 1973): 568.
14. CR 7: 510; Dill, Tryon and his Palace, p. 28.
15. Ekirch, "Poor Carolina", p. 266; Lefler and Newsome, North Carolina, pp. 182-184.
16. Ekirch, "Poor Carolina", p. 266; Lefler and Newsome, North Carolina, p. 182-184.
17. Ekirch, "Poor Carolina", p. 266; see also Lawrence

Lee, "Days of Defiance: Resistance to the Stamp Act in the Lower Cape Fear", North Carolina Historical Review 43 (1966): 199.

18. For information on varying interpretations of the North Carolina Regulators see: Ekirch, "Poor Carolina", Marvin L. Michael Kay, "The North Carolina Regulators, 1766-1776: A Class Conflict" in A. Young, ed., The American Revolution, Explorations in the History of American Radicalism Series (Dekalb: Northern Illinois University Press, 1976), pp. 84-103; James P. Whittenburg, "Planters, Merchants, and Lawyers: Social Change and the Origins of the North Carolina Regulation", William and Mary Quarterly (3rd series) 34 (1977): 215-238.

19. Quoted in Lefler and Powell, Colonial North Carolina, p. 228; see also pp. 224-225.

20. Ekirch, "Poor Carolina", p. 193.

21. Ashe, North Carolina 1: 355.

22. Virginia Gazette no. 1051 (17 September 1771), article dated 7 August 1771.

23. William Tryon to the Earl of Shelburne, 31 January, 1767, in the William Tryon Papers, North Carolina State Archives, Raleigh.

24. CR 9: 1071.

25. Ekirch, "Poor Carolina", pp. 203-204; Lefler and Newsome, North Carolina, pp. 189-192.

26. The Wilmington Centinel and General Advertiser vol. 1, no. 36 (26 November 1788); The North-Carolina Chronicle; or Fayetteville Gazette, vol. 2, no. 11 (22 November 1790).

27. Dill, Tryon and his Palace, pp. 246-247.

228. SR 14: 66, 77.

29. Governor Caswell to General John Butler, SR 14: 105.

30. SR 14: 92.

31. SR 14: 316.

32. SR 12: 177-179.

33. SR 12: 382.
34. SR 13: 581, 682-683, 711.
35. SR 13: 752; see also SR 13: 753, 769, 809; 18: 804-805, 809.
36. Quoted in Dill, "New Bern", part 5: 47.
37. SR 13: 753.
38. SR 13: 753; 18: 804-805.
39. Information on the geographical origins of the votes found in SR 13: 735-736, 744, 752-753; 12: 549.
40. SR 13: 860.
41. SR 13: 966; information on the geographical origins of these votes found in SR 13: 784-785, 794, 811, 913-914, 923, 941; 12: 860; 19: 380.
42. Lefler and Powell, Colonial North Carolina, p. 244.
43. Francis Nash, Hillsboro: Colonial and Revolutionary (Raleigh: Edwards & Broughton, Printers, 1903).
44. Hugh F. Rankin, "Orange County in the Era of the American Revolution", in Hugh Lefler and Paul Wager, eds., Orange County: 1752-1952, pp. 41-67 (Chapel Hill, N. C.: The Orange Printshop, 1953).
45. SR 14: 428-429, 495; 15: 435.
46. General Sumner to Lt. Colonel Ashe, SR 15: 425-426.
47. Colonel Thomas Brown to General Lillington, SR 15: 423.
48. General Sumner to General Greene, SR 15: 433, 448-2449.
49. SR 16: 59-60, 63; 19: 34.
50. SR 16: 68-69, 75, 79, 85, 123, 127; 19: 45-46, 86.
51. SR 16: 89-90, 95-96; 19: 60-61, 116.
52. SR 24: 461-462.



53. SR 24: 448.
54. ibid.
55. ibid.
56. SR 16: 959; 19: 171.
57. SR 19: 181, 187, 303-304, 308, 314, 334.
58. Information on the geographical origins of the 1782 house votes found in SR 16: 1-3, 29, 39, 74, 127; 12: 784; 17: 655, 876; 19: 395, 717.
59. Information of the geographical origins of the 1783 house votes found in SR 19: 223-224, 234, 237, 246, 254, 275, 283, 288, 292; also 16: 2.
60. SR 16: 127.
61. ibid.
62. SR 17: 138-139.
63. SR 17: 139-140.
64. SR 19: 583.
65. SR 19: 583-584.
66. SR 19: 585, 587-588.
67. SR 17: 142-144.
68. SR 17: 354.
69. Information on the geographical origins of these votes found in SR 17: 264-266, 354-355, 877; 21: 194.
70. SR 22: 705-714, quote on p. 706.
71. SR 18: 451, 467.
72. SR 20: 195, 209, 214, 387.

## CHAPTER V

### "UNTIL A LATER DAY" POSTPONEMENT AND SETTLEMENT OF THE CAPITAL DISPUTE, 1788-1791

North Carolina's general assembly gave the 1788 convention authority to decide several pertinent issues, including the choice of a capital site. The convention's voting on the capital issue demonstrated a final crystalization of sectionalism along river lines, with the Neuse Basin serving as the southern front of a northeastern pact. Strategic Wake County made a final decision to ally itself with its Neuse neighbors, while the Cape Fear Valley, from Moore County to Brunswick and New Hanover, showed a strengthened unity in its opposition to the northeast and its alliance with the west. The events of the convention's debate, however, caused a reversal of the two section's stands on the establishment of the seat of government, which, in turn, led to a new drive to postpone the coming of a permanent capital.

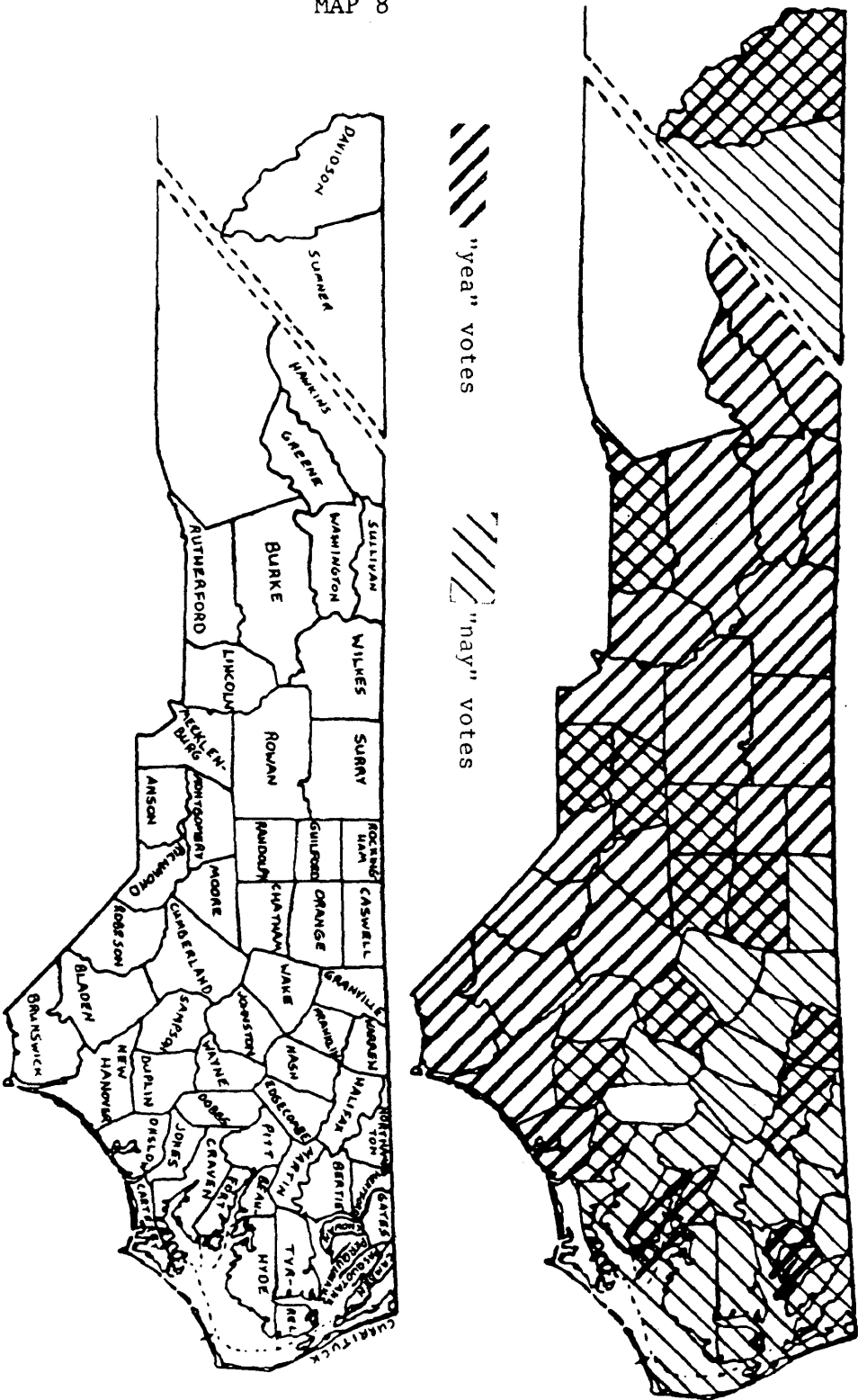
On 31 July, 1788, Griffith Rutherford of Rowan County, seconded by John Steele of Salisbury, moved that the convention "proceed to fix on a proper place for the seat of government."<sup>1</sup> When the measure passed, John G. Blount of Beaufort County "moved for leave to enter a protest. . . against the above resolution."<sup>2</sup> The next day, Blount

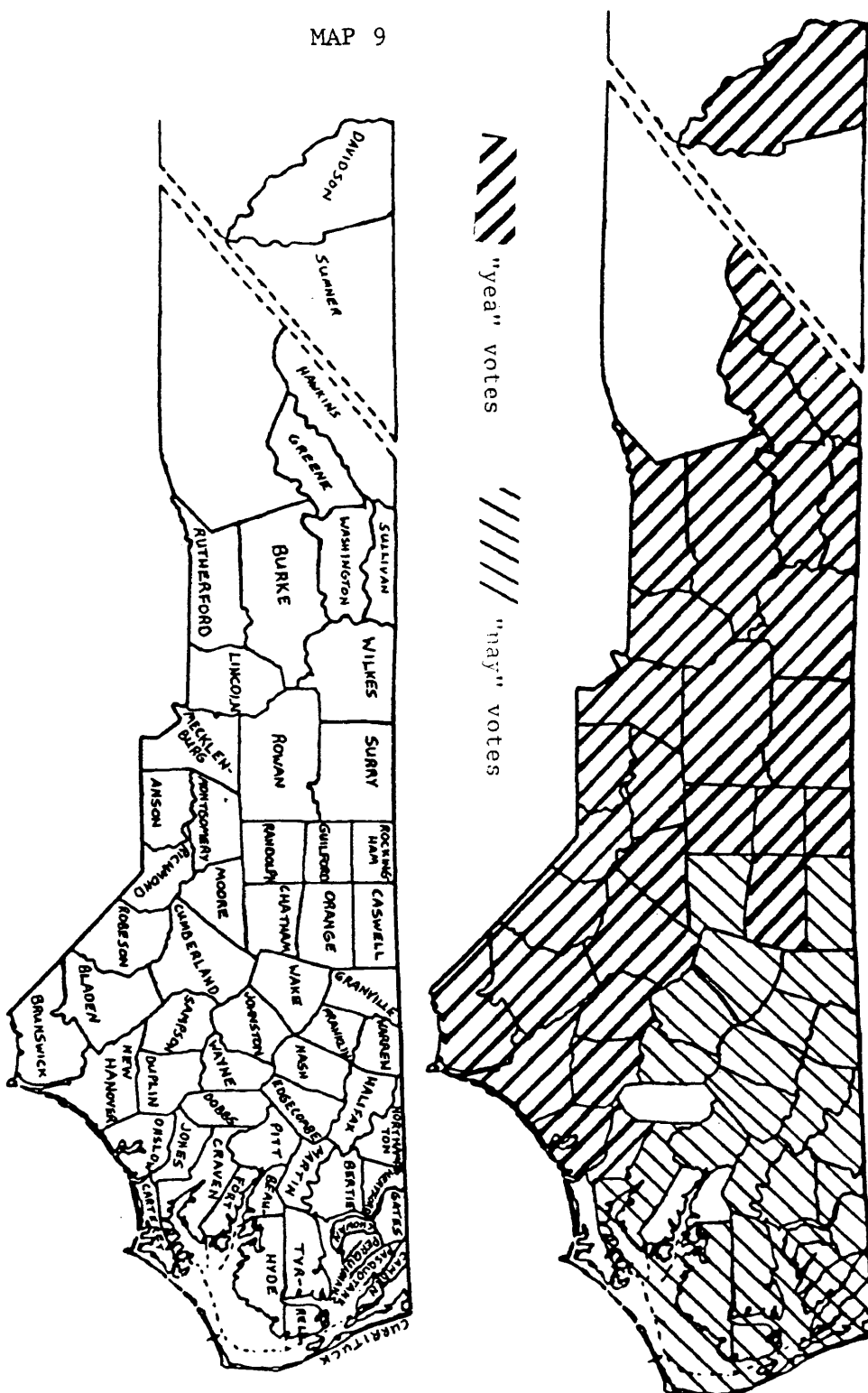
paradoxically voted to ballot for the capital site. His strange action seems at first typical of the overall geographical distribution of the vote, which was fraught with exceptions to the previous sectional trends (see Map 8). Fifteen counties, ranging the length of the state, offered conflicting votes from among their representatives.<sup>3</sup>

The resolution to ballot for a capital site passed in this strange morass of votes, but the nature of the convention's voting concealed a continued, and even strengthened sectionalism on the capital issue. The convention allowed each county five representatives (rather than two as in the assembly's house of commons) with the additional customary representation of certain towns. The large number of representatives made for an unusually high number of conflicting votes within counties. If, however, only the majority votes of those counties having three or more representatives in agreement are considered, a quite different map emerges (see map 9). All but two counties--Dobbs and Carteret--participated in the vote, and of the participants only Sumner and Beaufort did not have at least three representatives in agreement. Mapping only those majority votes demonstrates the previous sectional trend still strongly present in 1788, with a clear northeastern sector battling the establishment of a capital against and alliance of the west and the Cape Fear

MAP 8

MAP 8: Convention vote of 1 August 1788 "That the Convention will ballot for the place at which the seat of government shall be fixed" (SR 22: 26-28). All of the votes were geographically identifiable. Two counties (Carteret and Dobbs) did not participate in the vote. The convention passed this measure 134 to 117.





MAP 9: Convention vote of 1 August 1788--as in Map 8--showing the majority vote of each county. Only those counties with three representatives in agreement were considered. Sumner cast only two votes, both against the measure. Beaufort cast three votes, one for the measure and two against it. Carteret and Dobbs did not participate in the vote. The convention passed this measure 134 to 117.

region. Most intriguing was the eastward leaning of Caswell and Chatham counties. Of the Neuse Basin counties, Jones alone did not fall in line. The capital issue began in the 1788 convention along the same sectional lines which had evolved during the previous decade.

The events of 2 August 1788, however, dramatically and permanently reversed the sections' respective stands on the capital issue. The convention resolved that it "would not fix the seat of government at any one particular point; but that it will be left at the discretion of the Assembly to ascertain the exact spot" within "ten miles of the point or place determined by this Convention."<sup>4</sup> Representatives nominated Smithfield, Tarboro, Fayetteville, New Bern, Hillsborough, the fork of the Haw and Deep Rivers (see Map 2), and Isaac Hunter's plantation in Wake County. At first no site won a majority of votes, but on a second ballot "Mr. Isaac Hunter's, in Wake county", was "fixed upon" by a slim majority of five votes.<sup>5</sup> The outcome aroused protest, and the convention ordered "That such of the members of this convention, as may think proper, have leave to enter their protest on the journal against the ordinance for establishing the seat of government."<sup>6</sup>

On 4 August William Barry Grove of Cumberland County presented an official protest, signed by 119 members of the convention, which attacked the decision for Wake County on several grounds. First, they denounced the wisdom of

choosing a non-urban site:

Dissentient.--Because the establishment of a seat of government in a place unconnected with commerce, and where there is at present no town, will be attended with a heavy expence to the people, and the town when established never can rise above the degree of a village: The experience of Virginia and Maryland have given a striking proof of this in the towns of Williamsburg and Annapolis.<sup>7</sup>

Would Grove and his colleagues would have protested had a rural site in Cumberland County been selected?

The dissentients ended their protest by arguing that the designation of a ten-mile radius rather than an exact spot went against the instructions of the general assembly.

They complained:

Because we conceive the place fixed on is not authorized by the resolution of the General Assembly, under whose recommendation the convention met, as that resolution says 'the convention shall fix on a particular place;' whereas by a resolution of the convention a latitude is given of twenty miles to a given spot, and the appointment or selection of the identical spot now reverts to the Legislature, contrary to the spirit and meaning of the constitution.<sup>8</sup>

One again might ask whether these men would have been happier had "a particular place" in Wake County been chosen.

The heart of the signed convention protest, however, appropriately appeared between these two arguments. In this middle section the dissentients clearly demonstrated sectional antagonism over the capital issue to be built

upon the factors of trade and economic competition. They opposed Wake County:

Because the establishment of the seat of government at Fayetteville would have a great and instantaneous effect upon the decayed commerce of this country, by holding out immediate advantage to those who are employed in the culture of tobacco and other valuable articles of export, the principal part of which is now exported from Virginia and South Carolina.<sup>9</sup>

These men had hoped that a capital on the Cape Fear River, such as Fayetteville, would strengthen the trade nexus connecting the Cape Fear ports and the back country. Much of the western area did not lie in the Cape Fear basin at all, but was drained by rivers which flowed to South Carolina ports. Because of the poor navigability of North Carolina ports (especially in the sounds, but also, to a lesser degree, at the mouth of the Cape Fear) trade was also routed north to Virginia. The protesters claimed concern for increasing the state's competitive standing with these other trade networks. They also sought to strengthen their relative standing against trade through the sounds (the Neuse River northward). Neuse and Albemarle interests would have likewise desired the capital to be in their sector so as to strengthen their trade. Both factions would have sensed their own trading interests weakened if the other section won the capital site.

A geographic analysis of the dissentients confirms a sectional alliance between the Cape Fear region and the

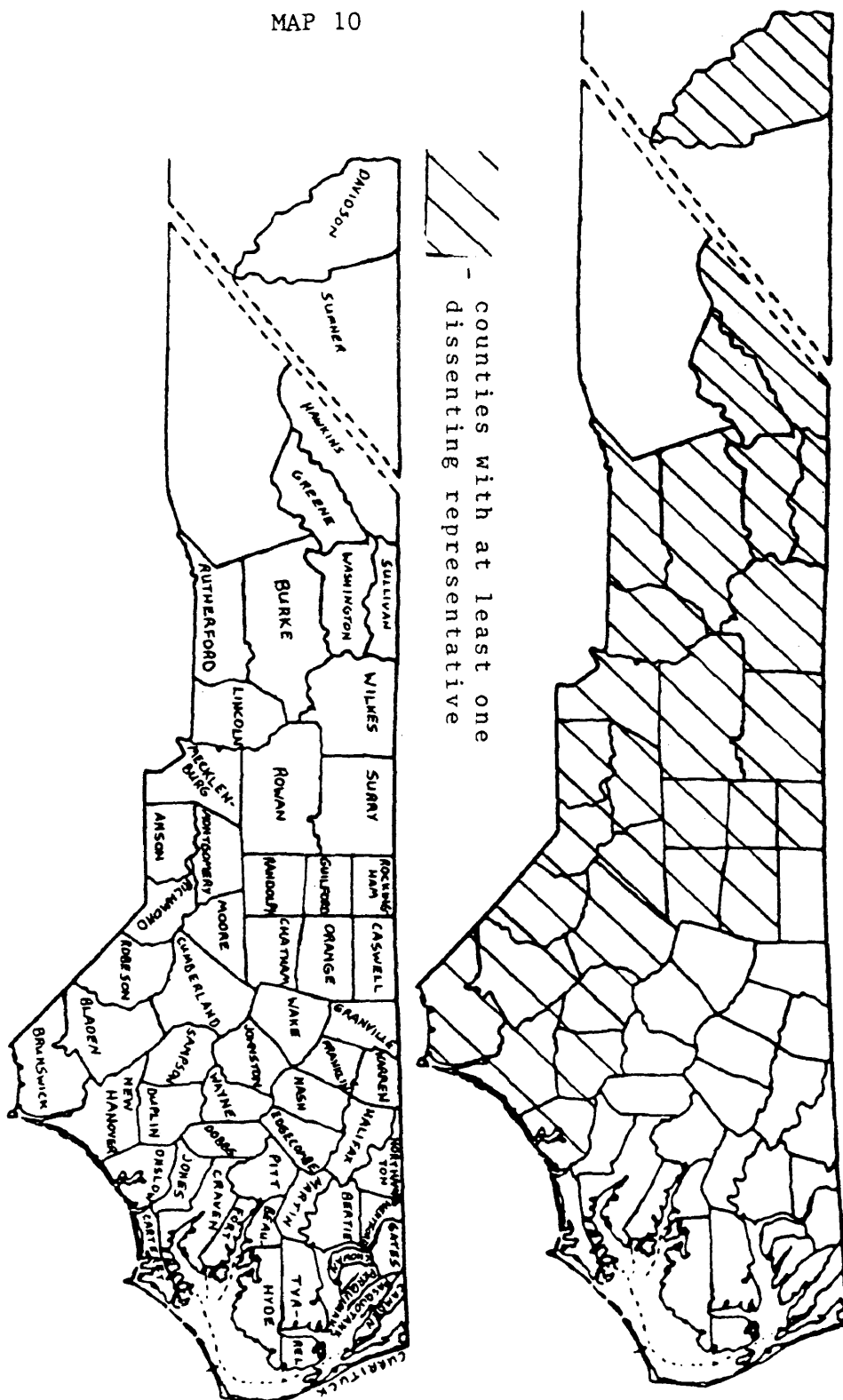


back country (see Map 10). Of the 119 signers, the counties of representation for all but one can be identified. Without exception, the protestors hailed from the Cape Fear Valley and the western counties. Of the counties in the Neuse River system, only Orange protested, though it must be remembered that this county lay in both river systems and probably had closer ties to the Cape Fear region.<sup>10</sup> These sections which protested the balloting result were the same ones which strongly favored balloting for a site on 1 August. Clearly, they had not expected a Neuse River site to win a majority.

After the convention committed North Carolina to a Wake County capital, the struggle returned to the general assembly along the same sectional lines, but with the ideology of struggle for each side reversed. From 1788 through 1790 the northeastern representatives fought to carry into effect the ordinance of the convention, while the remainder of the representatives generally fought to prevent the establishment of the seat of government (see Maps 11 through 15). The far-western counties proved to be consistently ambivalent on the capital issue for the remainder of their existence within the state.

The struggle during those three years became quite repetitious. In November 1788 the Cape Fear and western representatives succeeded in postponing attempts "to carry into effect the ordinance of the Convention," causing this

MAP 10



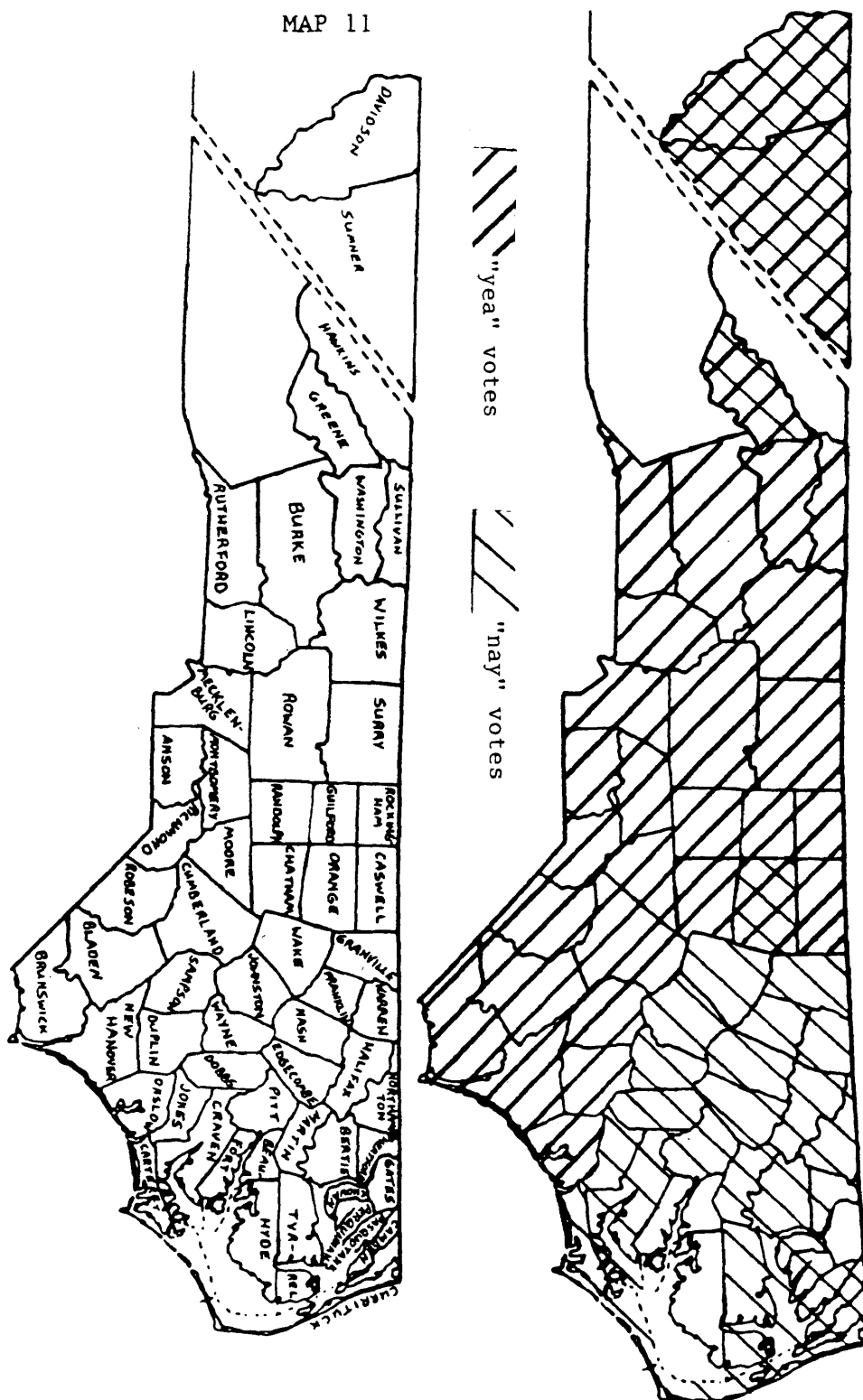
MAP 10: Convention protest of 4 August 1788 against the ordinance to establish the seat of government in Wake County (SR 22: 34-35). All but one of the 119 dissentients were geographically identifiable. This map shows those counties which had at least one representative signing the dissenting document.

bill to "lie over until the next General Assembly" (see Map 11)<sup>11</sup> In the fall of 1789, forces of opposition actually defeated this same bill on its second reading in the house of commons (see Map 12).<sup>12</sup> Later that session, a "bill to appoint Commissioners for carrying into effect " the convention's ordinance was defeated by one vote in the same house (see Map 13). Although the house agreed to reconsider the bill, it was again "negatived."<sup>13</sup> The northeastern faction--with the exceptions of Northampton and Jones Counties--united behind the measure. In both 1788 and 1789 the votes demonstrated that the seat of government was a sectional issue.

The sectional struggle continued in the November 1790 session of the general assembly and climaxed in extremely close role-call votes in both houses on the same day. This session met at Fayetteville, and The North-Carolina Chronicle; or, Fayetteville Gazette set the stage for the renewed capital debate. Its 15 November article on the governor's address to the assembly included this editorial note:

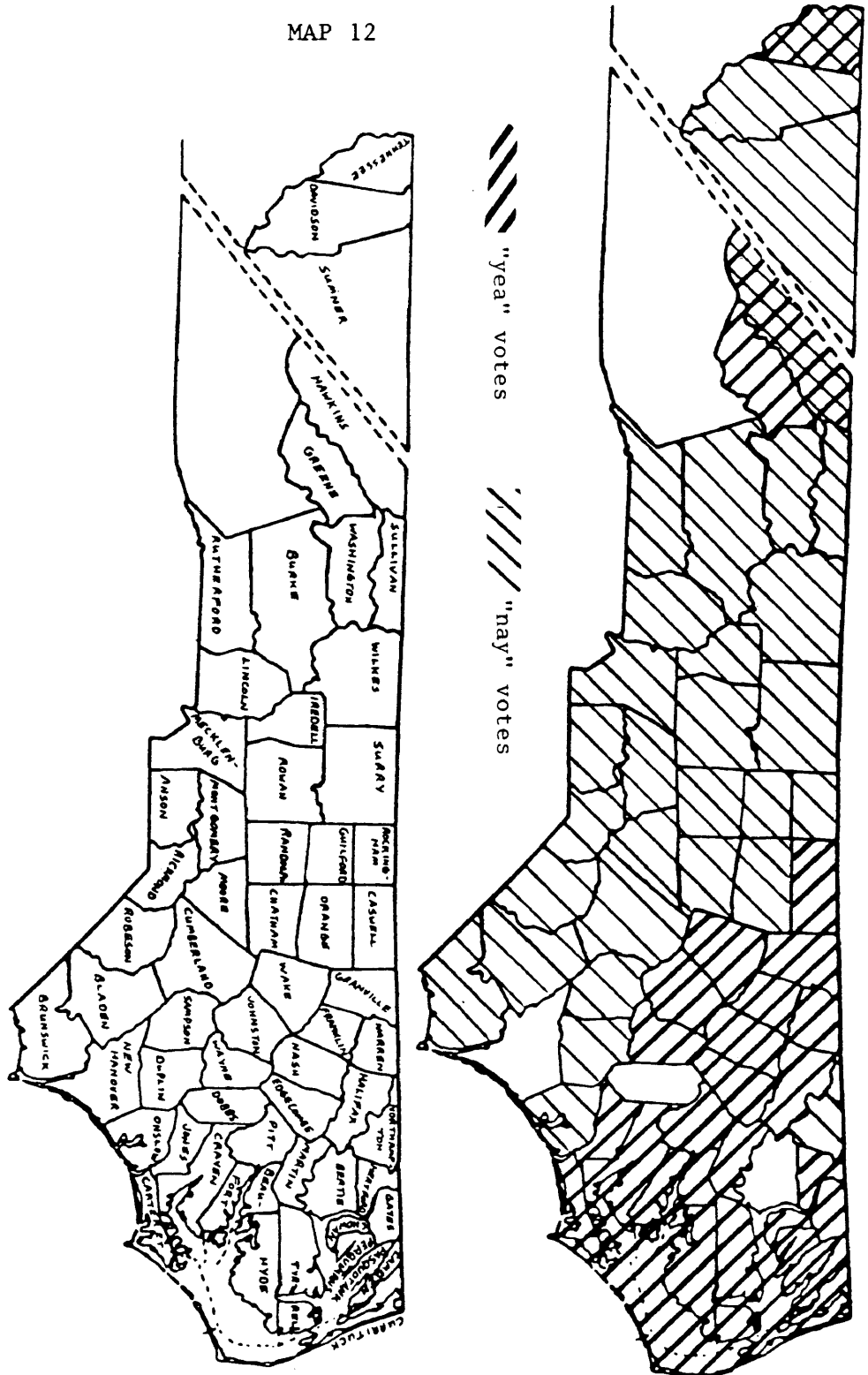
The following is inserted by the particular desire of a member of the general assembly:--It is to be lamented that among the several matters of a public nature, recommended by his excellency to the consideration of the general assembly, he had entirely forgot, or neglected, the ordinance of convention for the seat of government!<sup>14</sup>

MAP 11



MAP 11: House of commons vote of 20 November 1788 on whether "the Bill to carry into effect the ordinance of the Convention. . . should lie over until the next General Assembly" (SR 21: 74). All of the votes were geographically identifiable. Three counties did not participate in this vote. The house passed this bill of postponement fifty-seven to forty-seven.

MAP 12



MAP 12: House of commons vote of 13 November 1789 on whether "the Bill to carry into effect the ordinance of the Convention" shall pass (SR 21: 233-234). All of the votes were geographically identifiable. Three counties did not participate in this vote. The house defeated this bill sixty to fifty.



The governor likely wished he could forget. It is tempting to speculate about a northeastern representative submitting this jab to a Fayetteville newspaper. What matters, however, is that the assembly did not forget the convention ordinance. On the same day this news article appeared, a representative from Warren County received "leave to bring in a bill to carry into effect the ordinance of the Convention held at Hillsborough. . . entitled 'An ordinance for establishing a place for holding the future meetings of the General Assembly.'"<sup>15</sup>

By 25 November, both houses had passed the bill once and were preparing for the second reading.<sup>16</sup> In the house of commons:

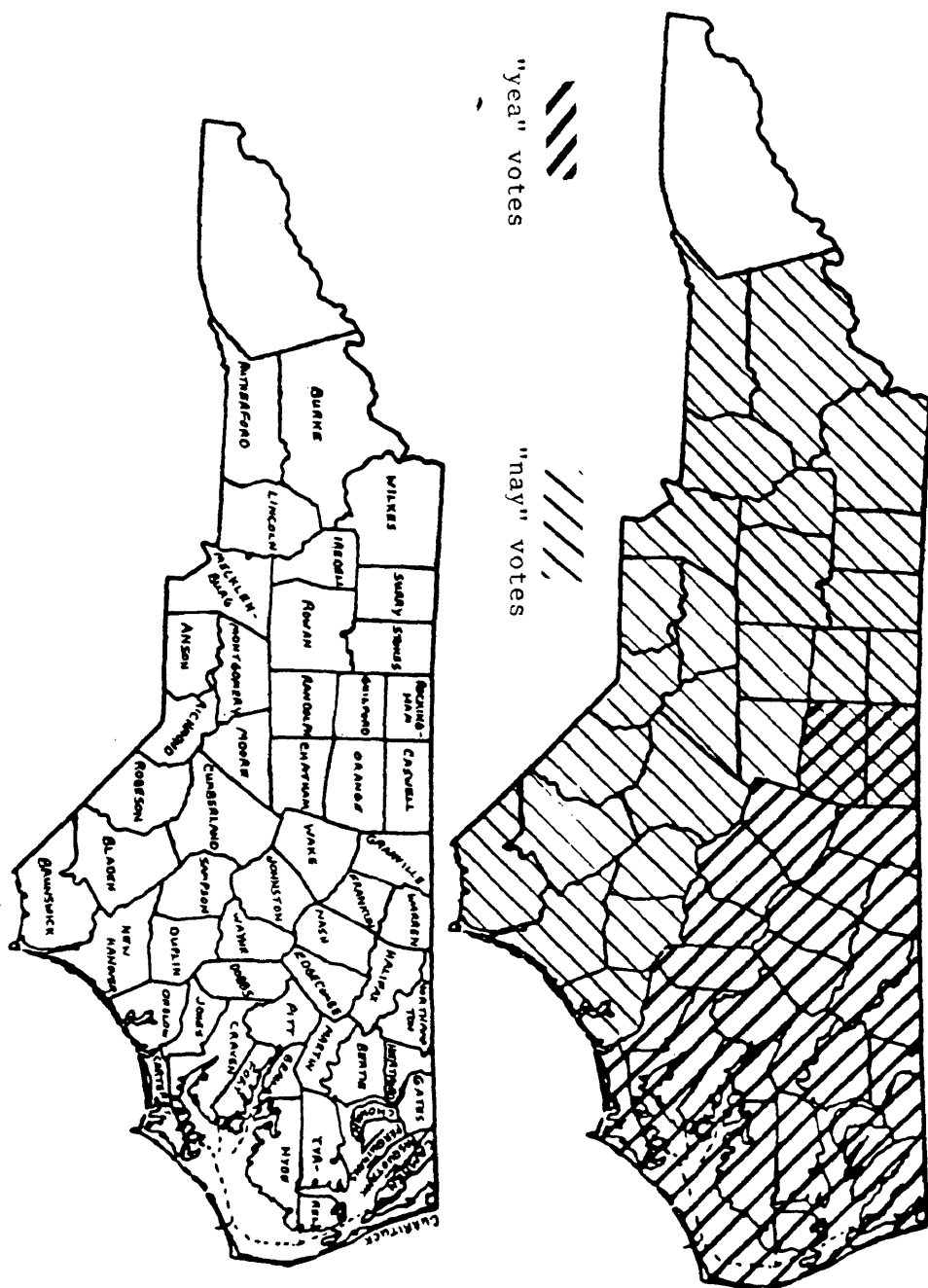
The bill. . . was read the second time, amended, and the question being put, 'Shall this bill pass?' being objected to, the house divided, and there were for the passage fifty-one, and against it fifty-one; whereupon the Speaker gave his vote and pronounced the passage of the bill.<sup>17</sup>

The subsequent roll call of votes, in which all counties participated and all voters were identifiable, gave the clearest picture yet of capital sectionalism (see Map 14). The only two counties divided in vote were Orange and Caswell--by their geographical position understandably torn between the two factions. As for the rest, the vote showed a state divided between two river systems.<sup>18</sup>

The senate then defeated the bill in an equally close vote. In that house:

The bill being accordingly read for the

MAP 14



MAP 14: House of commons vote of 25 November 1790 on whether the "bill to carry into effect the ordinance of the Convention" should pass (SR 21: 965). All of the votes were geographically identifiable. All of the counties participated in this vote. The house passed this bill fifty-two to fifty-one, by the speaker's deciding vote.



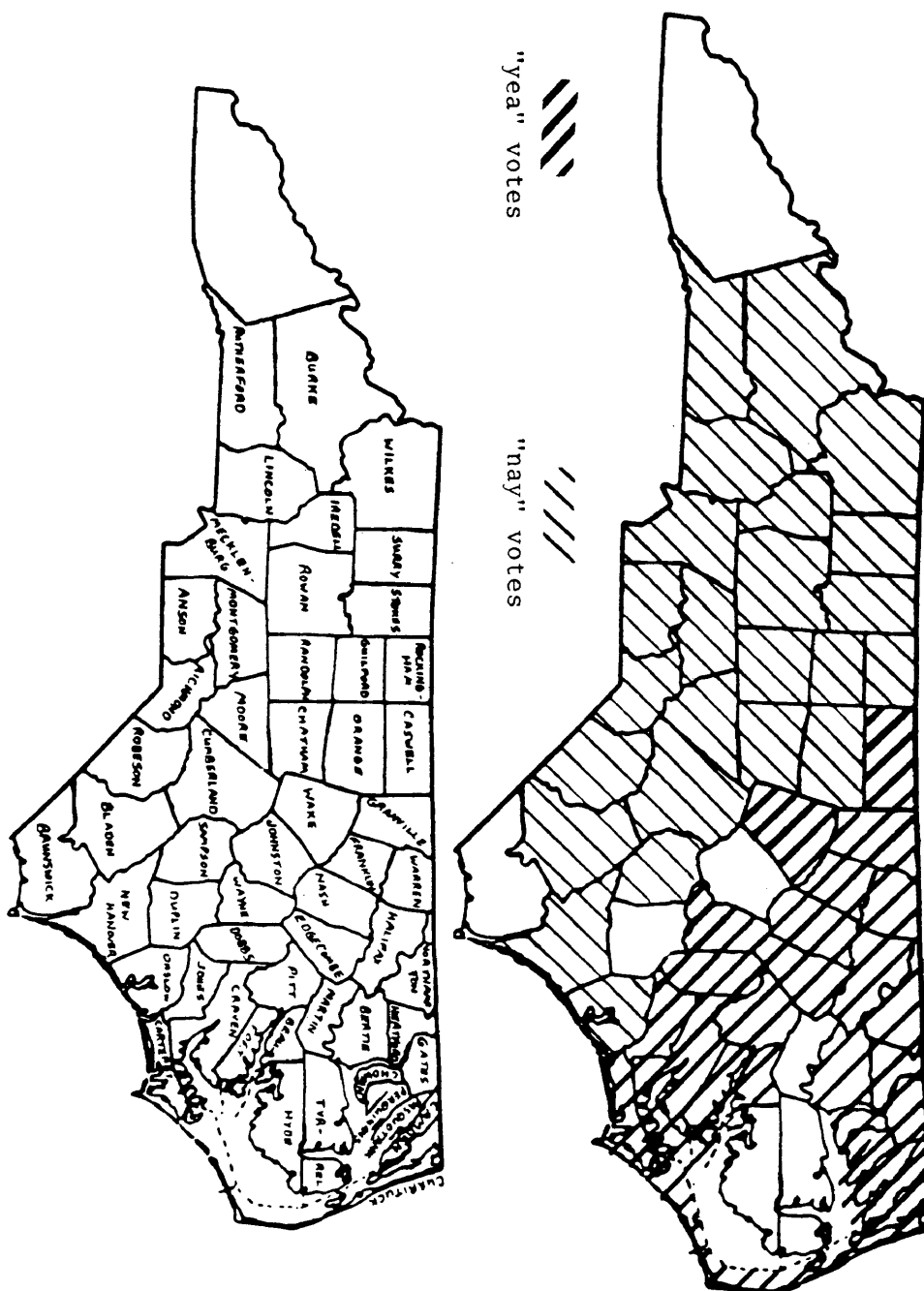
second time, was put on its passage: Whereupon, there being an equal number of votes for and against the passing of the said bill, the Speaker was called on, who gave the casting vote and declared that the bill should be rejected; and the same was rejected accordingly.<sup>19</sup>

A senator requested a role-call vote, and all the senatorial votes were identifiable. The geographical interpretation of this second vote, however, was marred by the nonparticipation of six counties (see Map 15). Still, the senate clearly reflected the same sectionalism apparent in the house.<sup>20</sup>

The senate journal's record of the vote, however, revealed an intriguing problem. The senate declared twenty-four votes for the bill and twenty-four against, but only twenty-three names were recorded "Against the passage of this bill." These names were followed by the written sum, "24".<sup>21</sup> If the clerk accurately recorded these names, then the bill should have passed its second reading in the senate as it had in the house, and the speaker should not have been allowed to enter his opposing vote to the measure.

The suspiciousness of the 1790 senate vote perhaps indicated the sharpness of the sectional dispute on the capital issue. The closeness of both votes certainly did. Another indication of sharp sectionalism in that session was the vote on the site of the next general assembly. The votes divided equally--75 to 75--between Fayetteville and New Bern.<sup>22</sup> On a reballoting, the town on the Cape Fear lost

MAP 15



MAP 15: Senate vote of 25 November 1790 on whether "the bill to carry into effect the ordinance of the Convention" should pass (SR 21: 801-802). All of the votes were geographically identifiable. Six counties did not participate in this vote. The senate defeated this bill with twenty-four recorded votes for the measure and twenty-four recorded votes against it, including the speaker's deciding vote against the bill. Unless the clerk failed to record one representative's vote this bill should have passed.

to the town on the Neuse, but the sectional statement was clear.

Although the Cape Fear and the western sections of the state fought against the enforcement of the convention's capital ordinance, it is important to realize that they did not actively attempt to overthrow that ordinance. Rather, in their actions there existed a sense of merely postponing the inevitable--or perhaps of buying time while waiting for a change in situation. In 1790 the southern and western sectors won postponement, but the success was short-lived. That same year, the northeastern faction won its choice of New Bern as the next assembly site; in 1791 they would win their choice of Wake County as the permanent capital site. Elizabeth Culbertson Waugh describes the final enforcement of the convention's ordinance: on 5 December 1791 nine commissioners were chosen to select an exact site in Wake County from numerous land tracts offered for sale. The commissioners chose a site on Colonel Joel Lane's property, the government buying one thousand acres from him for 1,378. This site, later named Raleigh, would become North Carolina's long-debated permanent seat of government.<sup>23</sup>

With the selection of Joel Lane's site, the long evolution of North Carolina's capital issue had reached an end. Many of the factors of debate had changed form and relative importance between the seventeenth century and 1791. The Lords Proprietors were especially concerned with

convenience and healthiness in a capital site. These factors played prominent roles in the debate during Johnston and Dobbs's administrations, but after Tryon neither seemed of great significance. Smallpox epidemics influenced assembly meeting sites and probably made certain towns unattractive as potential capital sites, but little concern appeared in the later period for the inherent healthiness of sites. Convenience was perhaps the most driving issue before Tryon's administration. Except for the far-western counties, however, it did not appear so significant after New Bern's fall from capital status. To what extent convenience played a silent role in later capital debates would be hard to determine. The system of alliances and the sectional blocs that occurred, however, made it fairly clear that economics played a more significant role than convenience in the last decade of debate. Under Johnston and Dobbs economic interests in the capital debate were localized; Dobbs's interest in Tower Hill and the New Bern/Wilmington rivalry both lacked the support of strong regional alliances. After the Revolution, however, the maturing of North Carolina trade systems enabled an alliance of Cape Fear and western interests against the interests of the northeast river systems. Representatives of each of the two sections supported capital sites which, although not necessarily near, were commercially advantageous.

Sectionalism had been apparent in the capital issue since Burrington's administration. Indeed, sectionalism was to be the one constant factor. Ekirch distinguishes periods in the eighteenth century when sectional antagonism waned. Seen through the window of the capital issue, however, sectionalism reigned continuously, except for a brief respite under Tryon when a New Bern capital became established fact. Like the relative significance of the issues, however, sectionalism itself evolved through the eighteenth century. Under Burrington, Johnston, and Dobbs, sectionalism meant conflict between the Cape Fear and Albemarle regions, with the Neuse River region too unstable to be considered an ally to either side. From the official establishment of a capital at New Bern through the Revolution a weaker sectionalism appeared between east and west--with the coastal Cape Fear region allied to the more northerly eastern areas. By 1788, however, the southeastern coast joined inland Cape Fear in alliance with the back country. This alliance opposed a newly formed coalition of Neuse River Valley and Albemarle interests. Although the face of sectionalism evolved, the capital issue showed North Carolina to be marked by this divisive force throughout the eighteenth century.

This study has left unanswered many questions about the seat of government debate. Especially intriguing is the relationship between North Carolina's experience and that

of other colonies and states. This turbulent and unsettled capital situation may at first seem unique. A fuller study which included the capital issue in other colonies or states would not only aid in determining North Carolina's uniqueness, but also help explain why this state experienced such a flux. Donald L. Kemmerer describes a situation in colonial New Jersey which bore striking resemblance to North Carolina's quandary. Proprietary New Jersey was divided into East Jersey and West Jersey, and these separate identities were maintained partly by alternating legislatures between Perth Amboy and Burlington--the chief towns of these sections--and equal assembly representation. Kemmerer describes a political measure in 1710 which declared Burlington the sole capital. The assembly ignored the measure and continued alternating meeting sites.<sup>24</sup> By the 1720's North Carolina had two specific geographical regions which, though lacking the Jersey's individual political identities, possessed political equality through the domination of the executive branch by Cape Fear interests and the legislative branch by Albemarle men.

In the Cape Fear, North Carolina had a politically strong "back country" even early on in the eighteenth century, if the term could be applied to a coastal region. As the actual back countries developed throughout the colonies and became politically stronger in the

revolutionary era, colonies other than New Jersey showed situations similar to North Carolina's capital debate. Virginus Dabney strikes a familiar chord in this description of Virginia's struggle to choose a new capital:

Agitation for removal of the seat of government from Williamsburg to a more central location had been heard for decades, especially after the capital there was destroyed by fire in 1747. Finally, in 1779 the General Assembly decided to move, but Richmond was chosen by only a slight majority . . . .<sup>25</sup>

The Revolution brought flux to Georgia's capital situation as well. Savannah was the colony's early and undisputed capital. Kenneth Coleman describes that "[w]hile Savannah again became the capital in 1782, the increased importance of Augusta and the upcountry led the executive (governor and council) to reside there part time and the assembly to alternate between the two cities."<sup>26</sup> Perhaps North Carolina and New Jersey were somewhat ahead of the game in their early governmental itineracy. They each had to balance two politically strong yet geographically distinct regions before the maturation of western back countries in the colonies.

This study also does not explain many specific workings of North Carolina's capital debate, especially in the era of Revolution. How did the assembly coalesce on Tryon's choice of New Bern in 1766 or on the final choice of Joel Lane's property in 1791? What factors caused the far-Western representatives to vote for or against capital

bills? Why did the many exceptions to the developing sectional trends appear? How did such a strong alliance between the back country and the Cape Fear region emerge when so much of the former's trade lay in South Carolina? These questions could possibly be answered in a more comprehensive study. More importantly, the answers to these and other significant questions could be clarified in a study which involved more personally the people of the debate. Not only is a study of the voting assemblymen needed, but also a study of their immediate societies which influenced how they viewed sectionalism and how they voted on issues affecting the capital. Real meaning in this political debate is lost without examining the social foundations on which assembly votes were erected.



## NOTES ON CHAPTER V

1. SR 22: 15.
2. SR 22: 16.
3. Information on the geographical origins of these votes found in SR 22: 1-4, 7, 9-16, 26-28.
4. SR 22: 28.
5. SR 22: 29, 33; The Wilmington Centinel, and General Advertiser, vol. 1, no. 24 (August 13, 1788), filmed from original in the University of North Carolina Library, Chapel Hill, printed and published by Bowen and Howard.
6. SR 22: 33.
7. SR 22: 29, 34-35.
8. SR 22: 34.
9. ibid.
10. Information on the signers' counties of representation found in SR 22: 1-4, 7, 8, 10-14, 27, 127.
11. SR 21: 33, 38, 63-64, 73-74; information on the geographical origins of these votes found in SR 21: 1-5, 8, 13, 15, 44, 74; 22: 7.
12. SR 21: 233-234, 589; information on the geographical origins of these votes found in SR 21: 2, 232-234.
13. SR 21: 294, 636; information on the geographical origins of these votes found in SR 21: 193-194, 200-201, 205, 207, 210, 225, 232, 242, 244, 246.
14. The North-Carolina Chronicle; or, Fayetteville Gazette, vol. 2, no. 10 (15 November 1790).
15. SR 21: 918.
16. SR 21: 771, 924, 928, 963.
17. SR 21: 965.
18. Information on the geographical origins of these votes found in SR 21: 871-872, 874, 879, 883, 885, 893,

908, 963, 965.

19. SR 21: 801-802.

20. Information on the geographical origins of these votes found in SR 21: 729-730, 732, 734, 741, 758, 769, 801-802; 22: 2.

21. SR 21: 801-802.

22. The North-Carolina Chronicle; or, Fayetteville Gazette, vol. 2, no. 11 (22 Nov. 1790).

23. Elizabeth Culbertson Waugh and Editorial Committee, North Carolina's Capital, Raleigh (Chapel Hill: The University of North Carolina Press, 1967), pp. 3-4.

24. Donald L. Kemmerer, Path to Freedom: The Struggle for Self-Government in Colonial New Jersey, 1703-1776 (Cos Cob, Ct.: John E. Edwards, Publisher, 1968; originally published by Princeton University Press, 1940), pp. 18, 87.

25. Virginius Dabney, Richmond: The Story of a City (Garden City, N. Y.: Doubleday & Co., Inc., 1976), p. 25.

26. Kenneth Coleman, gen. ed., A History of Georgia (Athens: The University of Georgia Press, 1977), p. 91.

## APPENDIX

## ABOUT THE MAPS

The sources used to compile the maps in this study are listed in the bibliography. Each map represents the influence of two or more of these sources. Even for the same time-period, these sources were often in conflict, so the maps in this study show only approximate boundaries. The majority of the maps (Maps 3 through 15) show the spatial relationships between counties necessary to geographical interpretation of assembly votes. The depiction of the far-western (Tennessee) counties is especially approximate due to inadequate sources. Much of the western area bore the designation "Indian Land" during the late-eighteenth century. These areas are blank in the maps of assembly voting to more correctly show the actual areas represented by assemblymen.

Certain towns were represented independently in the assembly (Edenton, New Bern, Wilmington, Halifax, Hillsborough, Salisbury, Fayetteville). For simplicity, I considered each of the town votes to be one among the votes of its surrounding county. Thus, if a town's representative voted differently from his county's representatives, that county would show mixed voting on the map.

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